

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARTIN LUTHER KING, JR.
COUNTY, et al.,

Plaintiffs,

v.

SCOTT TURNER in his official capacity
as Secretary of the U.S. Department of
Housing and Urban Development, et al.,

Defendants.

No. 2:25-cv-00814-BJR

DECLARATION OF SAMUEL
CREDIO

Pursuant to 28 U.S.C. § 1746(2), I, Samuel Credio, state the following based upon my personal knowledge and review of relevant documents:

1. I am a resident of the State of Arizona. If called to do so, I could and would testify competently under oath to the facts stated in this declaration.

2. I am employed by the City of Tucson ("**Tucson**"). My title is Director of the City of Tucson Department of Transportation and Mobility ("**DTM**").

3. As the Director of DTM, I play a central role in coordinating the department's capital project delivery efforts and grant management teams.

4. DTM receives federal grant funding from the U.S. Department of Transportation ("**USDOT**") through programs operated by the Federal Transit Authority ("**FTA**") as well as the Federal Highway Administration ("**FHWA**").

DECLARATION OF SAMUEL CREDIO - 1
No. 2:25-cv-00814-BJR

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Seattle, WA 98101-2668
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1 ***FTA Grants***

2 5. Tucson began its transit operations in 1975 under the name “Sun Tran.” It
 3 currently operates 41 fixed routes serving more than 51,000 passengers daily and more than 15
 4 million annually.¹ 72% of Sun Tran’s passengers ride at least five days a week and 61% have
 5 been riding for over two years.²

6
 7 6. Tucson has had a long history of partnering with the U.S. Department of
 8 Transportation, primarily through its Federal Transit Administration (FTA) division, leveraging
 9 federal grants to improve our transit services and thereby drive economic growth, serve working
 10 families and vulnerable populations, and enhance the safety and security of our system. These
 11 federal grants are an integral part of Tucson’s financial planning and budget, and provide critical
 12 funding for project implementation, helping Tucson to maximize travel options for the City
 13 residents it serves while enhancing its capacity to maintain its assets in a state of good repair.
 14

15 ***FTA Formula Grants***

16 7. There are several FTA formula grant programs through which Tucson receives
 17 most of its transit system grant funding: Section 5307 (urbanized area formula grants); Section
 18 5337 (state of good repair grants); and Section 5339 (bus and bus facilities grants). Current
 19 funding authorization levels for these programs were established in 2015 by the Fix America’s
 20 Surface Transportation (FAST) Act, Pub.L. No. 114-94 (2015); and again in 2021 by the
 21 Infrastructure, Investment, and Jobs (IIJA) Act, Pub. L. No. 117-58 (2021), sometimes also
 22 called the Bipartisan Infrastructure Law (BPIL).
 23
 24
 25

26 ¹ Sun Tran 2024 Annual Report, <https://www.suntran.com/wp-content/uploads/2025/04/Annual-Report-FY24-CG-REV-1.pdf>, visited May 12, 2025.

27 ² Sun Tran History, Year 2022, <https://www.suntran.com/about/>, visited May 12, 2025.

1 8. Tucson relies on this FTA Formula funding for the following areas of transit
2 investment: ADA Transit Enhancements at bus stops; bus replacements; capital projects such as a
3 compressed natural gas (“CNG”) refueling station; preventative maintenance of the vehicles; and
4 safety and security of the transit system.

5
6 9. In FY 2025 (July 1, 2024 to June 30, 2025) Tucson has budgeted and plans to
7 expend approximately \$18.6 million of this FTA formula funding. Without these funds, it would
8 be impossible for Tucson to maintain the bus fleet, provide adequate access to transit for people
9 with disabilities, and keep our passengers safe. I know of no other existing or proposed funding
10 source that could readily replace FTA’s grant funds without requiring cuts to other important
11 government projects and programs.

12
13 10. Tucson has applied for formula funding in the amount of \$22.3 million for federal
14 FY 2023 and \$24.5 million for federal FY 2024. Tucson’s allocation for federal FY 2025 is \$24.1
15 million. It is my understanding that all future formula grant agreements will incorporate the latest
16 version of the FTA Master Agreement, which was revised as of April 25, 2025 (the “**2025 FTA**
17 **Master Agreement**”). This would be consistent with past FTA formula grants, which incorporate
18 the then-current version of the FTA Master Agreement.

19 11. Tucson has budgeted for these FTA formula funds and plans to begin spending the
20 federal FY 2023 and federal FY 2024 funding during the city’s 2026 fiscal year, which begins
21 July 1, 2025. Tucson has submitted everything necessary for FTA to issue grant agreements for
22 the federal FY 2023 and federal FY 2024 funding and anticipates that FTA will issue the grant
23 agreements within the next 2 to 4 weeks.
24
25
26
27

FTA Discretionary Grants

12. On July 5, 2023, FTA awarded Tucson an FY 2023 Low or No Emissions Program grant in the amount of \$21,490,560 (“**FY23 Bus Grant**”). The FY23 Bus Grant is for the purchase of 39 compressed-natural-gas-fueled buses to replace the remaining diesel-fueled buses in Tucson’s bus transit system fleet, which have reached the end of their useful life. This is a competitive grant under 49 U.S.C. § 5339(c) and the IIJA, rather than a formula grant.

13. Tucson was authorized to incur reimbursable expenses prior to final obligation of the funds. Based on that authorization, and because of the long lead time for manufacture and delivery of CNG buses, Tucson ordered new buses.

14. On Friday, May 2, 2025, I was notified via email through an automated message from Appian for Federal Transit Administration that FTA had issued a task to execute the award for AZ-2025-008-00, FY 2023 Sec. 5339 (c) Discretionary – Sun Tran Compressed Natural Grants (CNG) Buses. On May 5, 2025, I executed the award electronically through TrAMS, the FTA’s grants management system. This grant agreement incorporates the 2025 FTA Master Agreement. (See **Exhibit A.**)

15. The same week I was reminded that the Tucson City Manager had recently directed that all grant acceptances and agreements be routed to him for acceptance/execution and that department heads were no longer authorized to enter into binding grant agreements for Tucson. I contacted FTA Region 9 but was told that there was no way for me to withdraw my acceptance in TrAMS. I nevertheless informed Region 9 that my acceptance of the grant was not deemed by Tucson to be binding on it until approved by the Tucson City Manager. (See **Exhibit B.**) I indicated that I would let them know when that occurs.

1 16. Tucson was also awarded a grant under the FY 2024 Bus and Bus Facilities Grant
2 Program grant in the amount of \$11,385,600 (the “**FY24 Bus Grant**”). This is a discretionary
3 grant program under 49 U.S.C. 5339(b), and the IIJA. This grant funding will pay for the
4 addition of braille signage at 2,200 bus stops; the addition of new bus stop shelters, green
5 infrastructure, solar trash receptacles, and emergency call buttons, at 80 bus stops; and for two
6 new bus lifts for Tucson’s Bus Maintenance Facility.
7

8 17. No formal grant agreement has yet been signed as Tucson must first complete the
9 NEPA and design work, which is currently estimated to cost approximately \$300,000, at its own
10 expense which is to be counted as local match for the federal funds. It is my understanding,
11 however, that the grant agreement for the FY24 Bus Grant will, like the other discretionary bus
12 grant, incorporate the 2025 FTA Master Agreement.
13

14 18. On March 5, 2025 Tucson applied for an FTA 5310 Enhanced Mobility of
15 Seniors and Individuals with Disabilities Grant in the amount of \$889,576 over two years to
16 support Sun Van paratransit operations.
17

18 ***FHWA Grants***

19 19. Tucson relies on both FHWA formula funding (Surface Transportation Program
20 Block Grants (STBG) and Transportation Alternatives Set-Aside (STBG-TA) Grants) as well as a
21 variety of competitive FHWA discretionary grants (RAISE, RCP, NAE, HSIP) to fund a portfolio
22 of multimodal capital infrastructure projects. While Tucson is often a direct recipient of
23 discretionary grants, FHWA formula funds are programed through the Metropolitan Planning
24 Organization (MPO) for our region, the Pima Association of Governments (PAG), and
25 distributed by the Arizona Department of Transportation (“ADOT”). After completing all
26 preliminary work for funded projects—such as obtaining utility clearances and creating
27

1 solicitation documents, plans, and a project schedule—Tucson submits that documentation to
2 ADOT as part of a Construction Funding Authorization Request (CFAR). Once that is reviewed
3 and approved by ADOT and FHWA, they then issue us an AZPR2X document, which formally
4 obligates the funds so that we can seek reimbursement. The AZPR2X passes all federal
5 obligations through to Tucson. (An example of this documentation for these formula FHWA
6 grants is attached as **Exhibit C**.) Tucson is currently ready to submit several of these CFARs for
7 approval and must do so by May 31, 2025, to meet funding obligation deadlines. It isn't clear
8 whether, when AZPR2Xs are issued for these previously approved but not-fully-obligated
9 projects, FHWA will consider them to incorporate the new grant requirements.
10

11 20. The amount of FHWA discretionary grant funding allocated to Tucson varies from
12 year to year, but in recent years Tucson has been successful in winning competitive grants and
13 has approximately \$45,545,000 in awarded discretionary grant funds between FY2025 and FY
14 2029.
15

16 21. The FY2025 – FY2029 PAG Transportation Improvement Program (TIP)
17 estimates that the total annual regional apportionment of STBG funds is \$21,374,195. These
18 funds are programmed in collaboration with other PAG member jurisdictions through the
19 development of the 5-year TIP. FHWA funds are more restrictive than other state and local
20 funding sources and must be obligated in the year that they are programmed. As such, it is
21 critical that we are able to identify projects that can utilize federal funds early with our regional
22 partners to be able to make best use of these funds and not lose them. In the FY2025-FY2029
23 TIP, Tucson currently has \$74,686,000 of FHWA formula funds programmed on 3 projects.
24

25 22. The U.S. Department of Transportation awarded Tucson an FY 2022 RAISE grant
26 (now, the BUILD grant program), funded under the IIJA, in the amount of \$25,000,000 for
27

1 Tucson's 22nd Street Revitalization Project. This project will improve 0.85 miles of 22nd Street, a
 2 minor arterial roadway; replace an almost 60-year-old existing weight-restricted 4-lane bridge,
 3 currently listed in "poor" condition, with a new 6-lane bridge with bike lanes and sidewalks over
 4 the Union Pacific Railroad tracks and the Barraza-Aviation Parkway (State Route 210). It is a
 5 critical infrastructure need for the region. In addition to safety concerns, the weight restriction on
 6 the existing bridge interferes with its use for public transit service, school bus service, and
 7 commercial traffic on a regionally-designated priority freight corridor.
 8

9 23. This project, which is expected to cost a total of \$180,189,942, has received
 10 approximately \$65,407,000 in federal Surface Transportation Block Grant Program funding, and
 11 approximately \$89,190,000 of local funds. The \$25,000,000 FY 2022 RAISE grant is the final
 12 piece of the puzzle without which the project cannot be completed.
 13

14 24. Tucson has already incurred substantial expenses to obtain necessary
 15 environmental, cultural, utility and right-of-way clearances, all of which have been obtained and
 16 submitted to FHWA. Additional local funds have already been expended to complete the design
 17 of the project and Tucson is prepared to publish an invitation for bids as soon as the grant
 18 agreement is executed.
 19

20 25. FHWA has not yet provided Tucson with the grant agreement for this BUILD
 21 grant, but I anticipate that it will, when provided, incorporate the General Terms and Conditions
 22 under the Fiscal Year 2025 BUILD Program: FHWA Projects, as revised April 23, 2025 (the
 23 **"2025 BUILD Terms and Conditions"**)³.
 24
 25

26 ³ The general terms and conditions document is posted here:
 27 <https://www.transportation.gov/sites/dot.gov/files/2025-05/BUILD-fy2025-fhwa-general-terms-and-conditions-20250423.pdf> (visited May 16, 2025)

26. FHWA also awarded Tucson a \$2,577,591 grant under the 2023 Reconnecting Communities and Neighborhoods (RCN) program. The grant is to help fund the construction of the Blacklidge Bicycle Boulevard, “a low-stress route that will improve the safety and connectivity for individuals walking and cycling by slowing and reducing cut-through traffic along” a 4.5-mile route “connecting individuals to 5 parks and 4 schools, particularly expanding access for individuals experiencing historic disinvestment.” FHWA has not yet issued the grant agreement for this award but it is my understanding that, if and when issued, that agreement will incorporate the FHWA Competitive Grant Program General Terms and Conditions, revised April 22, 2025 (the “**2025 FHWA Terms and Conditions**”)⁴.

27. Tucson has been awarded \$17,045,000 in Highway Safety Improvement Program (HSIP) funds for 13 packages of safety projects that are in varying states of design and have not yet all been fully obligated.

28. Tucson has also been awarded \$2,300,000 of STBG – Transportation Alternatives Set Aside funding – for two bicycle boulevard projects. Of that total, \$575,000 has been obligated for design activity which is currently underway, leaving \$1,725,000 pending obligation for the construction phase in FY2026.

29. In January 2025, Tucson applied for \$22 million in FHWA BUILD funds to support capital investments in the Drexel Road Bridge, which will be constructed across the Santa Cruz River along Drexel Road. The construction of the bridge is designed to address long-stranding challenges in south and west Tucson, which connectivity between residential areas and key commercial and employment centers. If Tucson is ultimately awarded this BUILD grant, it

⁴ The general terms and conditions document is posted here:
https://docs.publicnow.com/viewDoc?filename=97930%5CEXT%5C44222F37356CA8642D1C34BF48368F7A08E1D6B3_6265CC2B9A360CB4A8D69AD47AD76CB6683DAE9F.PDF (visited May 16, 2025).

1 is my understanding that the grant agreement will incorporate the 2025 BUILD Terms and
 2 Conditions.

3 ***Transportation Planning and Future USDOT Grant Funding***

4 30. In addition to immediate concerns, material disruption in the FTA and FHWA
 5 grant funding process or expected flow of funds would have consequences for Tucson extending
 6 far into the future.

8 31. Each state must maintain a federally approved 5-year State Transportation
 9 Improvement Program (“STIP”) showing all highway and transit projects funded under Title 23
 10 and the Federal Transit Act. Metropolitan areas also maintain regional transportation
 11 improvement programs (“TIPs”) that are consistent with their state’s STIP. Projects in the
 12 STIPs/TIPs can be programmed with funds appropriated by Congress, or assumed future funds
 13 based on the funding targets for those years authorized in transportation acts such as the current
 14 IIJA. A project must be in the STIP/TIP for USDOT to obligate funds to the project. Adding
 15 federally funded projects to a STIP/TIP can require up to five years of advance planning.

17 32. Tucson, along with Pima County and other municipalities in the County, maintain
 18 a 5-year regional TIP (the “Pima TIP”), which is incorporated in the State of Arizona’s STIP.
 19 Here is a link to the Pima TIP: [https://pagregion.com/wp-content/docs/pag/2025/04/FY-2025-
 20 2029-TIP-Project-List-As-Amended-Posted-April-23-2025.pdf](https://pagregion.com/wp-content/docs/pag/2025/04/FY-2025-2029-TIP-Project-List-As-Amended-Posted-April-23-2025.pdf). This means that Tucson, along
 21 with the other regional local governments, is in the middle of substantive project planning now,
 22 in 2025, for 2027, 2028 and beyond—even though there are no guarantees of federal funding.

24 33. The interrelationship between Tucson’s extended planning horizons and the
 25 multiyear USDOT grant funding processes further underscores how important these grant funds
 26 are to Tucson’s existing and future transportation and transit system operations and
 27

1 infrastructure, and how hard it would be for Tucson to replace them. Tucson would have to
2 fundamentally rework its longstanding financial plans and procedures, capital project delivery
3 process, and service delivery models in ways that could have significant impacts for the users of
4 Tucson's transportation and transit systems.

5 ***Concerns about the 2025 FTA Master Agreement and the 2025 FHWA Terms and Conditions***

6
7 34. The 2025 FTA Master Agreement, 2025 FHWA Terms and Conditions, and the
8 2025 BUILD Terms and Conditions (together, the "**USDOT Terms and Conditions**"), each
9 contain a number of provisions that are very concerning. I have not yet seen revised terms and
10 conditions for as-yet-unobligated FHWA formula grants, but I anticipate that they will be revised
11 to contain the same problematic conditions. This puts Tucson in a terrible position in which we
12 must choose between executing an agreement that contains provisions that may subject Tucson
13 to substantial liability or forgoing vital transportation funding.

14
15 35. This includes a provision requiring the grant recipient to certify that it does not
16 operate any "programs promoting diversity, equity, and inclusion (DEI) initiatives that violate
17 any applicable Federal anti-discrimination law" (see 2025 FTA Master Agreement, § 12(n)(2);
18 2025 FHWA General Terms and Conditions, § 18.4(b); and 2025 BUILD Terms & Conditions, §
19 21.2(c)), and another provision that states that this certification is "material" under the False
20 Claims Act (see 2025 FTA Master Agreement, § 12(n)(1); 2025 FHWA General Terms and
21 Conditions, § 18.4(a); and 2025 BUILD Terms & Conditions, § 21.2(b)).

22
23 36. This is concerning because those provisions reference Executive Order 14173
24 (issued January 21, 2025), which calls for the federal government to end "illegal DEI and DEIA"
25 policies. It is not at all clear how a grant recipient such as Tucson can know what might
26 constitute an "illegal DEI or DEIA" policy, especially if it is something other than compliance
27

1 with the federal nondiscrimination requirements already covered by the prior, existing language
2 in Section 12.

3 37. Given the lack of clarity and open-endedness of this new “DEI/DEIA”
4 certification, and the apparent conflict with other federal regulations described below, I am very
5 concerned that if Tucson were to execute grant agreements incorporating that certification, which
6 is deemed “material” to FTA’s payment decisions, then Tucson—and whoever submits payment
7 requests—would potentially be at risk of exposure to a lawsuit under the False Claims Act, 31
8 U.S.C. 3729.

10 38. The NOFO for the FY 2023 Low or No Emissions Program grant, under which
11 Tucson was awarded its 2023 Bus Grant, contains provisions stating that the intent was to fund
12 projects that “create proportional impacts to all populations” and “increase equitable access to
13 project benefits” and projects that “address equity and environmental justice, particularly for
14 communities that have experienced decades of underinvestment.” It requires compliance with
15 DBE programs under federal transportation regulations. The projects to be funded with the grant
16 awarded to Tucson under this program are designed to tick those boxes. Yet the new
17 administration appears to consider these goals to constitute “illegal DEI/DEIA.”
18

19
20 I declare under penalty of perjury that the foregoing is true and correct.
21

22 EXECUTED this 19th day of May, 2025.
23

24 

25 Samuel Credio
26
27

CERTIFICATE OF SERVICE

I hereby certify that on May 21, 2025, I served a true and correct copy of the foregoing document on the following parties by the method(s) indicated below:

Brian C. Kipnis Annalisa L. Cravens Sarah L. Bishop Rebecca S. Cohen <i>Assistant United States Attorneys</i> Office of the United States Attorney 700 Stewart Street, Suite 5220 Seattle, WA 98101-1271 brian.kipnis@usdoj.gov annalisa.cravens@usdoj.gov sarah.bishop@usdoj.gov rebecca.cohen@usdoj.gov <i>Attorneys for Defendants Scott Turner, U.S. Dept. of Housing and Urban Development, Sean Duffy, U.S. Dept. of Transportation, Tariq Bokhari, the Federal Transit Administration, Gloria M. Shepherd, the Federal Highway Administration, Chris Rocheleau, the Federal Aviation Administration, Drew Feeley, the Federal Railroad Administration</i>	<input checked="" type="checkbox"/> CM/ECF E-service <input type="checkbox"/> Email <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Certified Mail / Return Receipt Requested <input type="checkbox"/> Hand delivery / Personal service
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I declare under penalty of perjury under the laws of the United States and the State of Washington that the foregoing is true and correct.

DATED this 21st day of May, 2025.

/s/ Gabriela DeGregorio

Gabriela DeGregorio
 Litigation Assistant
 Pacifica Law Group LLP

CERTIFICATE OF SERVICE

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EXHIBIT A

DOT

FTA

U.S. Department of Transportation

Federal Transit Administration

Award

Federal Award Identification Number (FAIN)	AZ-2025-008-00
Temporary Application Number	1667-2024-1
Award Name	FY 2023 Sec 5339 (c) Discretionary - Sun Tran Compressed Natural Grants (CNG) Buses
Award Status	Active (Executed)
Award Budget Number	0

Period of Performance Start Date	5/2/2025		
Original Period of Performance End Date	6/30/2028		
Current Period of Performance End Date	6/30/2028	Revision #: 0	Approved?: Yes

Budget Period Start Date	5/2/2025
Budget Period End Date	6/30/2028

Part 1: Recipient Information

Name: CITY OF TUCSON

Recipient ID	Recipient OST Type	Recipient Alias	UEI	DUNS
1667	City	Tucson, City of	X487LACQEQN6	072450869

Location Type	Address	City	State	Zip
Physical Address	255 W ALAMEDA ST	TUCSON	AZ	85701
Mailing Address	PO BOX 27210	TUCSON	AZ	85726

Union Information

Union Name	TEAMSTERS LOCAL # 104
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Address 1	1450 South 27th Avenue
Address 2	
City	Phoenix
State	AZ
Zipcode	85009
Contact Name	Karla Schumann
Telephone	(602) 300-0412
Fax	(602) 272-3744
E-mail	karla.schumann@teamsterslocal104.com
Website	
Union Name	Amalgamated Transit Union (ATU) Local #1433
Address 1	1588 W. Jackson Street
Address 2	
City	Phoenix
State	AZ
Zipcode	85007
Contact Name	Bob Bean
Telephone	(602) 495-9466
Fax	(602) 495-1385
E-mail	b.bean@atu1433.org
Website	

Part 2: Award Information

Title: FY 2023 Sec 5339 (c) Discretionary - Sun Tran Compressed Natural Grants (CNG) Buses

FAIN	Award Status	Award Type	Application Cost Center	Date Created	Last Updated Date	From TEAM?
AZ-2025-008-00	Active (Executed)	Grant	Region 9	4/11/2024	4/11/2024	No

Award Executive Summary

This application includes \$26,168,594 in FY2023 Section 5339 funding as selected for award under the Low or No emission discretionary funding program (Earmark ID # D2023-LWNO-003). It will be used for the purchase of compressed natural gas (CNG) buses.

Funding for all projects included in this grant application is provided by the following apportionment years and Urbanized areas (UZAs):

Section 5339 (c), FFY2023 Tucson (UZA #040000): \$21,490,560
TOTAL Section 5339: \$26,168,594

Overall grant funding

Total Federal Funds: \$21,490,560

Total Non-Federal Share: \$5,372,640

Total Eligible Project Cost: \$26,863,200

The City of Tucson is hereby submitting this grant application in support of the following capital projects:

1) Purchase of thirty-six (36) 40' bus replacements

This grant applies \$20,891,894 of FFY2023 Section 5339 (c) funds to purchase bus replacements. We will purchase thirty-six (36) 40' compressed natural gas (CNG) buses that have an expected useful life of 12 years and/or 500,000 miles. The vehicles being replaced have met their useful life of 12 years and/or 500,000 miles and will be disposed of in accordance with Federal requirements. These buses will meet the Clean Air Act standards (CAA) and the Americans with Disabilities Act (ADA) requirements. Additionally, the City intends to purchase three (3) more vehicles, bringing the total to thirty-nine (39), as outlined in the original award proposal. Details regarding this acquisition will be included in an existing application budget.

2) Workforce Development Training

This project applies \$107,453 in FFY2023 Section 5339 (c) funding for workforce development and training. These funds will be used to train bus maintenance staff and first responders on maintaining and responding to CNG buses, bus operators on bus familiarity, safety, and operation, facilities maintenance staff on familiarity of proper procedures for zero emission buses, as well as other developmental activities as outlined in the Zero-Emission Fleet Transition Plan.

3) National Transit Institute (NTI) training

This project applies \$107,453 in FFY2023 Section 5339 (c) funding for NTI training. These funds will be used to help City of Tucson, Sun Tran, Sun Van, and Sun Link staff understand processes and learn tools to remain or become compliant with federal regulations including, but not limited to, those in roles such as fixed route and paratransit operations managers, trainers, construction managers, and project finance professionals.

4) Administrative Costs

This project applies \$383,760 in FFY2023 Section 5339 (c) funding for associated administrative costs. These funds will be used for administrative costs of Federal Transit Administration (FTA) funded public transit capital and grant administration programs.

Frequency of Milestone Progress Reports (MPR)

Annual

Frequency of Federal Financial Reports (FFR)

Annual

Does this application include funds for research and/or development activities?

This award does not include research and development activities.

Pre-Award Authority

This award is using Pre-Award Authority.

Does this application include suballocation funds?

Recipient organization is directly allocated these funds and is eligible to apply for and receive these funds directly.

Will this Grant be using Lapsing Funds?

No, this Grant does not use Lapsing Funds.

Will indirect costs be applied to this application?

This award does not include an indirect cost rate.

Indirect Rate Details: N/A

Requires E.O. 12372 Review

No, this application does not require E.O. 12372 Review.

Delinquent Federal Debt

No, my organization does not have delinquent federal debt.

Award Description

Purpose

This application is to request Section 5339 (c) funding to the City of Tucson (AZ UZA 040000): in the amount of \$26,863,200.

Funding for all projects included in this grant application is provided by the following apportionment years and Urbanized areas (UZAs):

Section 5339 (c), FFY 2023 City of Tucson (UZA #040000): \$26,863,200. Additionally, the City intends to purchase three (3) more vehicles, bringing the total to thirty-nine (39), as outlined in the original award proposal. Details regarding this acquisition will be included in an existing application budget.

TOTAL Section: \$26,863,200

Activities to be performed:

City of Tucson will purchase thirty-six (36) 40-ft Compressed Natural Gas (CNG) for fixed-route service replacing the remaining high emissions producing diesel-fuel buses within the Sun Tran fleet.

Expected outcomes:

In support of Tucson's recently adopted Climate Action and Adaptation Plan, Tucson Resilient Together, this application is submitted to eliminate the remaining diesel-fueled buses from the City of Tucson's Sun Tran transit system. The requested funding to purchase thirty-six (36) 40-ft Compressed Natural Gas (CNG) buses will replace the remaining high emissions producing diesel-fuel buses within the Sun Tran fleet for a total project cost of \$27 million.

Intended beneficiaries:

The City of Tucson and the riders that rely on its service will benefit from access to continued services, permitting workers to get to work and riders to reach essential services and daily destinations.

Subrecipient Activities:

None.

Award Point of Contact Information

First Name	Last Name	Title	E-mail Address	Phone
Stacy	Dugan	Financial Specialist	stacy.dugan@tucsonaz.gov	(520) 834-2196
	anthony.belleau@dot.gov	Transportation Program Specialist		

Award Budget Control Totals

Funding Source	Section of Statute	CFDA Number	Amount
5339 – Low or No Emission Grants Competitive	5339-2	20526	\$21,490,560
Local			\$5,372,640
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$26,863,200

Award Budget

Project Number	Budget Item	FTA Amount	Non-FTA Amount	Total Eligible Amount	Quantity
AZ-2025-008-01-00	111-00 (111-A1) BUS - ROLLING STOCK	\$20,891,894.00	\$5,222,974.00	\$26,114,868.00	36
AZ-2025-008-01-00	11.12.01 BUY REPLACEMENT 40-FT BUS	\$20,891,894.00	\$5,222,974.00	\$26,114,868.00	36
AZ-2025-008-02-00	571-00 (571-A2) SAFETY	\$107,453.00	\$26,863.00	\$134,316.00	1
AZ-2025-008-02-00	57.10.04 TRAINING	\$107,453.00	\$26,863.00	\$134,316.00	1
AZ-2025-008-03-00	571-00 (571-A3) SAFETY	\$107,453.00	\$26,863.00	\$134,316.00	1

AZ-2025-008-03-00	57.10.04	TRAINING		\$107,453.00	\$26,863.00	\$134,316.00	1
AZ-2025-008-04-00	620-00 (620-A4)	PROJECT ADMINISTRATION		\$383,760.00	\$95,940.00	\$479,700.00	1
AZ-2025-008-04-00	11.79.00	Administrative Costs		\$383,760.00	\$95,940.00	\$479,700.00	1

Discretionary Allocations

Discretionary ID	Project Title	Amount Applied	FAIN
D2023-LWNO-003	A Clean Ride by 2025	\$21,490,560	AZ-2025-008-00

Sources of Federal Financial Assistance

PO Number	Project Number	Scope Name	Scope Number	Scope Suffix	UZA Code	Area Name	Account Class Code	FPC	Description	Amendment Amount	Cumulative Amount
AZ-34-0040	AZ-2025-008-01-00	BUS - ROLLING STOCK	111-00 (111)	A1	040000	Arizona	2023.3J.34.LJ.1	00	Low-No Competitive Grants (IIJA)	\$20,891,894	\$20,891,894
AZ-34-0040	AZ-2025-008-02-00	SAFETY	571-00 (571)	A2	040000	Arizona	2023.3J.34.LJ.1	01	Low-No Competitive Grants (IIJA)	\$107,453	\$107,453
AZ-34-0040	AZ-2025-008-03-00	SAFETY	571-00 (571)	A3	040000	Arizona	2023.3J.34.LJ.1	01	Low-No Competitive Grants (IIJA)	\$107,453	\$107,453
AZ-34-0040	AZ-2025-008-04-00	PROJECT ADMINISTRATION	620-00 (620)	A4	040000	Arizona	2023.3J.34.LJ.1	00	Low-No Competitive Grants (IIJA)	\$383,760	\$383,760

Part 3: Project Information

Project Title: FY 2023 Sec 5339 (c) 40' Sun Tran Compressed Natural Grants (CNG) Buses

Project Number	Temporary Project Number	Date Created	Start Date	End Date
AZ-2025-008-01-00	1667-2024-1-P1	5/3/2024	11/30/2024	7/31/2028

Project Description

Project Funding

Federal Funds (80%) Section 5339 (c), FFY 2023 Arizona State UZA #040000: (80%) \$20,891,894

Local match (20%) 5,222,974

Total project Cost \$26,114,868
This project includes 1 activity:

Bus Replacement

This project provides federal funds of \$20,891,894 for bus replacement. City of Tucson will purchase thirty-six (36) 40-ft Compressed Natural Gas (CNG) buses. Additionally, the City intends to purchase three (3) more vehicles, bringing the total to thirty-nine (39), as outlined in the original award proposal. Details regarding this acquisition will be included in an existing application budget.

Project Benefits

To facilitate safe and effective transit services and reduce harmful emissions.

Additional Information

None provided.

Location Description

The City of Tucson provides fixed-route service within the City of Tucson, South Tucson, Pima County, Town of Marana, and the Town of Oro Valley. The city also provides complementary paratransit along all fixed routes, excluding commuter routes. The population of the city's service area is approximately 1, 040,000.

Project Location (Urbanized Areas)

UZA Code	Area Name
040720	Tucson, AZ

Congressional District Information

District	State
6	Arizona
7	Arizona

Program Plan Information

STIP/TIP

Date: 9/26/2024

Description: Date: 10/1/2022

Description: TIP Project ID: 471.00

TIP No: 2022-2026

Project Name: FY 2023 5339, 5307, & STBG Flexible Funds Apportionments

MPO Approval Date: 9/26/2024

State DOT Approval Date: 09/26/2024

FTA/FHWA Approval Date: N/A

Urbanized Area: Tucson, AZ

UPWP

Date: N/A

Description: N/A

Long Range Plan

Date: N/A

Description: N/A

Project Control Totals

Funding Source	Section of Statute	CFDA Number	Amount
5339 – Low or No Emission Grants Competitive	5339-2	20526	\$20,891,894
Local			\$5,222,974
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$26,114,868

Project Budget

Project Number	Budget Item	FTA Amount	Non-FTA Amount	Total Eligible Amount	Quantity
AZ-2025-008-01-00	111-00 (111-A1) BUS - ROLLING STOCK	\$20,891,894.00	\$5,222,974.00	\$26,114,868.00	36
AZ-2025-008-01-00	11.12.01 BUY REPLACEMENT 40-FT BUS	\$20,891,894.00	\$5,222,974.00	\$26,114,868.00	36

Project Budget Activity Line Items

Budget Activity Line Item: 11.12.01 - BUY REPLACEMENT 40-FT BUS

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
BUS - ROLLING STOCK (111-00)	11.12.01	BUY REPLACEMENT 40-FT BUS	BUY REPLACEMENTS - CAPITAL BUS	36

Extended Budget Description

PROJECT FUNDING

FY 2023 Federal Section 5339 (UZA #040720) \$26,891,894

Federal Funds (80%): \$20,891,894

Local Match (20%): City General Fund \$5,222,974

Total Eligible Amount: \$26,114,868

This project applies the FFY 2023 Federal Section 5339 funds of \$20,891,894 to bus replacements. City of Tucson will purchase thirty-six (36) 40-ft Compressed Natural Gas (CNG) buses that have an

expected useful life of 12 years or 500,000 miles. The vehicles being replaced have met their useful life of 12 years and/or 500,000 miles and will be disposed of in accordance to Federal requirements. These buses will meet the Clean Air Act standards (CAA) and the Americans with Disabilities Act (ADA) requirements. The fleet status section of TrAMS has been updated and information for vehicles being replaced has been uploaded to TrAMS under Application Documents.

Replacement Vehicle Information:

These vehicles have met their useful life based on years in revenue service.

VIN# Year Make Model Mileage (Useful Life)

R2926 15GGD211281176357 2008 GILL G21D 188,770
 R2927 15GGD211481176358 2008 GILL G21D 184,995
 R2928 15GGD211681176359 2008 GILL G21D 171,515
 R2929 15GGD211281176360 2008 GILL G21D 154,482
 R2930 15GGD211481176361 2008 GILL G21D 148,782
 R2931 15GGD211681176362 2008 GILL G21D 149,210
 R2932 15GGD211881176363 2008 GILL G21D 180,819
 R2933 15GGD211X81176364 2008 GILL G21D 251,589
 R2934 15GGD211181176365 2008 GILL G21D 235,639
 R2935 15GGD211381176366 2008 GILL G21D 224,824
 R2936 15GGD211581176367 2008 GILL G21D 186,561
 R2937 15GGD271291178909 2009 GILL G27D 186,049
 R2938 15GGD271991178910 2009 GILL G27D 171,514
 R2939 15GGD271091178911 2009 GILL G27D 164,951
 R2940 15GGD271291178912 2009 GILL G27D 178,575
 R2941 15GGD271491178913 2009 GILL G27D 133,998
 R2942 15GGD271691178914 2009 GILL G27D 123,782
 R2943 15GGD271891178915 2009 GILL G27D 109,095
 R2944 15GGD271X91178916 2009 GILL G27D 97,611
 R2945 15GGD271191178917 2009 GILL G27D 88,931
 R2946 15GGD271391178918 2009 GILL G27D 74,302
 R2947 15GGD271691178919 2009 GILL G27D 329,912
 R2948 15GGD271191178920 2009 GILL G27D 306,409
 R2949 15GGD271391178921 2009 GILL G27D 281,267
 R2950 15GGD271XA1178922 2009 GILL G27D 229,091
 R2901 15GGD211881176332 2008 GILL G21D 231,367
 R3103 15GGD2718B1180315 2011 GILL G27D 459,759
 R3104 15GGD271XB1180316 2011 GILL G27D 474,531
 R3105 15GGD2711B1180317 2011 GILL G27D 471,465
 R3106 15GGD2713B1180318 2011 GILL G27D 448,151
 R3107 15GGD2715B1180319 2011 GILL G27D 451,856
 R3108 15GGD2711B1180320 2011 GILL G27D 451,041
 R3109 15GGD2713B1180321 2011 GILL G27D 457,807
 R3110 15GGD2715B1180322 2011 GILL G27D 434,646
 R3111 15GGD2717B1180323 2011 GILL G27D 443,859
 R3112 15GGD2719B1180324 2011 GILL G27D 441,082

Will 3rd Party contractors be used to fulfill this activity line item?

Yes, 3rd Party Contractors will be used for this line item.

Propulsion	Fuel Type	Vehicle Condition	Vehicle Size (ft.)
N/A	Compressed Natural Gas	New	40'

Funding Source	Section of Statute	CFDA Number	Amount
5339 – Low or No Emission Grants Competitive	5339-2	20526	\$20,891,894

Local			\$5,222,974
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$26,114,868

Milestone Name	Est. Completion Date	Description
Contract Award Date	11/30/2024	Contract Award Date
RFP/IFB Issue Date	12/1/2024	RFP/IFB Issue Date
Initial Delivery Date	7/1/2025	Initial Delivery Date
Final Delivery Date	6/30/2028	Final Delivery Date
Contract Completion Date	7/31/2028	Contract Completion Date

Project Environmental Findings

Finding: Class II(c) - Categorical Exclusions (C-List)

Class Level Description

Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. FTA requires a sufficient project description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

Categorical Exclusion Description

Type 07: Acquisition, installation, rehabilitation, replacement, and maintenance of vehicles or equipment, within or accommodated by existing facilities, that does not result in a change in functional use of the facilities, such as: equipment to be located within existing facilities and with no substantial off-site impacts; and vehicles, including buses, rail cars, trolley cars, ferry boats and people movers that can be accommodated by existing facilities or by new facilities that qualify for a categorical exclusion.

Date Description	Date
Class IIc CE Approved	

Scope Name / Code	Line Item Number	Line Item Name	Quantity	FTA Amount	Total Eligible Cost
BUS - ROLLING STOCK (111-00)	11.12.01	BUY REPLACEMENT 40-FT BUS	36	\$20,891,894.00	\$26,114,868.00

Project Title: FY 2023 Sec 5339 (c) Workforce Development
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Project Number	Temporary Project Number	Date Created	Start Date	End Date
AZ-2025-008-02-00	1667-2024-1-P2	5/3/2024	11/30/2024	7/31/2028

Project Description

Project Funding

Federal Funds (80%) Section 5339 (c), FFY 2023 Arizona State UZA #040000): (80%) \$107,453

Local match (20%) \$26,863

Total project Cost \$134,316

This project includes 1 activity:

Workforce development training to include training of bus maintenance staff and first responders on maintaining and responding to CNG buses, bus operators on bus familiarity, safety, and operation, facilities maintenance staff on familiarity of proper procedures for zero emission buses, as well as other developmental activities as outlined in the Zero-Emission Fleet Transition Plan.

Project Benefits

The project will provide educational training for mass transit staff and first responders on upkeep and safety of CNG buses during their useful service life of 12 years / 500,000 miles for 40' buses.

Additional Information*None provided.***Location Description**

The City of Tucson provides fixed-route service within the City of Tucson, South Tucson, Pima County, Town of Marana, and the Town of Oro Valley. The city also provides complementary paratransit along all fixed routes, excluding commuter routes. The population of the city's service area is approximately 1, 040,000.

Project Location (Urbanized Areas)

UZA Code	Area Name
040720	Tucson, AZ

Congressional District Information

District	State
6	Arizona
7	Arizona

Program Plan Information**STIP/TIP**

Date: 6/3/2024

Description: Date: 6/3/2022

Description: TIP Project ID: 40.23

TIP No: 2022-2026

Project Name: FY 2023 Sec 5339 Low or No Emission Grant Program

MPO Approval Date: 04/09/2024

State DOT Approval Date: 04/12/2024

FTA/FHWA Approval Date: N/A
Urbanized Area: Tucson, AZ

UPWP

Date: N/A
Description: N/A

Long Range Plan

Date: N/A
Description: N/A

Project Control Totals

Funding Source	Section of Statute	CFDA Number	Amount
5339 – Low or No Emission Grants Competitive	5339-2	20526	\$107,453
Local			\$26,863
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$134,316

Project Budget

Project Number	Budget Item	FTA Amount	Non-FTA Amount	Total Eligible Amount	Quantity
AZ-2025-008-02-00	571-00 (571-A2) SAFETY	\$107,453.00	\$26,863.00	\$134,316.00	1
AZ-2025-008-02-00	57.10.04 TRAINING	\$107,453.00	\$26,863.00	\$134,316.00	1

Project Budget Activity Line Items

Budget Activity Line Item: 57.10.04 - TRAINING				
Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
SAFETY (571-00)	57.10.04	TRAINING	SAFETY	1

Extended Budget Description

PROJECT FUNDING
FFY 2023 Federal Section 5339 (c) (UZA #040720) \$107,453

Federal Funds (80%): \$107,463

Local Match (20%): \$26,863

Total Eligible Amount: \$134,316

The funding for FY 2023 Sec 5339 (c) award will be used to train bus maintenance staff and first responders on maintaining and responding to CNG buses, bus operators on bus familiarity, safety, and operation, facilities maintenance staff on familiarity of proper procedures for zero emission buses, as well as other developmental activities as outlined in the Zero-Emission Fleet Transition Plan.

Will 3rd Party contractors be used to fulfill this activity line item?

No, 3rd Party Contractors will not be used for this line item.

Funding Source	Section of Statute	CFDA Number	Amount
5339 – Low or No Emission Grants Competitive	5339-2	20526	\$107,453
Local			\$26,863
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$134,316

Milestone Name	Est. Completion Date	Description
Start Date	11/30/2024	Start Date
End Date	7/31/2028	End Date

Project Environmental Findings

Finding: Class II(c) - Categorical Exclusions (C-List)

Class Level Description

Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. FTA requires a sufficient project description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

Categorical Exclusion Description

Type 04: Planning and administrative activities which do not involve or lead directly to construction, such as: training, technical assistance and research; promulgation of rules, regulations, directives, or program guidance; approval of project concepts; engineering; and operating assistance to transit authorities to continue existing service or increase service to meet routine demand.

Date Description	Date
Class IIc CE Approved	

Scope Name / Code	Line Item Number	Line Item Name	Quantity	FTA Amount	Total Eligible Cost
SAFETY (571-00)	57.10.04	TRAINING	1	\$107,453.00	\$134,316.00

Project Title: FY 2023 Sec 5339 (c) National Transit Institute Training (NTI)

Project Number	Temporary Project Number	Date Created	Start Date	End Date
AZ-2025-008-03-00	1667-2024-1-P3	5/3/2024	11/30/2024	7/31/2028

Project Description

Project Funding

Federal Funds (80%) Section 5339 (c), FFY 2023 Arizona State UZA #040000): (80%) \$107,453

Local match (20%) \$26,863

Total project Cost \$134,316

This project includes 1 activity:

National Transit Institute Training (NTI) to help City of Tucson, Sun Tran, Sun Van, and Sun Link staff understand processes and learn tools to remain or become compliant with federal regulations including, but not limited to, those in roles such as fixed route and paratransit operations managers, trainers, construction managers, and project finance professionals.

Project Benefits

The project will provide National Transit Institute Training for mass transit staff and help them understand processes and learn tools to remain or become compliant with federal regulations including, but not limited to, those in roles such as fixed route and paratransit operations managers, trainers, construction managers, and project finance professionals.

Additional Information

None provided.

Location Description

The City of Tucson provides fixed-route service within the City of Tucson, South Tucson, Pima County, Town of Marana, and the Town of Oro Valley. The city also provides complementary paratransit along all fixed routes, excluding commuter routes. The population of the city's service area is approximately 1, 040,000.

Project Location (Urbanized Areas)

UZA Code	Area Name
040720	Tucson, AZ

Congressional District Information

District	State
6	Arizona
7	Arizona

Program Plan Information

STIP/TIP

Date: 6/3/2024

Description: Date: 6/3/2022

Description: TIP Project ID: 40.23

TIP No: 2022-2026

Project Name: FY 2023 Sec 5339 Low or No Emission Grant Program

MPO Approval Date: 04/09/2024

State DOT Approval Date: 04/12//2024

FTA/FHWA Approval Date: N/A

Urbanized Area: Tucson, AZ

UPWP

Date: N/A

Description: N/A

Long Range Plan

Date: N/A

Description: N/A

Project Control Totals

Funding Source	Section of Statute	CFDA Number	Amount
5339 – Low or No Emission Grants Competitive	5339-2	20526	\$107,453
Local			\$26,863
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$134,316

Project Budget

Project Number	Budget Item	FTA Amount	Non-FTA Amount	Total Eligible Amount	Quantity
AZ-2025-008-03-00	571-00 (571-A3) SAFETY	\$107,453.00	\$26,863.00	\$134,316.00	1
AZ-2025-008-03-00	57.10.04 TRAINING	\$107,453.00	\$26,863.00	\$134,316.00	1

Project Budget Activity Line Items

Budget Activity Line Item: 57.10.04 - TRAINING

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
SAFETY (571-00)	57.10.04	TRAINING	SAFETY	1

Extended Budget Description

PROJECT FUNDING

FY 2023 Federal Section 5339 (c) (UZA #040720) \$134,316

Federal Funds (80%): \$107,453

Local Match (20%): \$26,863

Total Eligible Amount: \$134,316

The funding for FY 2023 Sec 5339 (c) award is for National Transit Institute (NTI) training from July 1, 2024, through July 31, 2026, will provide training to mass transit staff and help them understand processes and learn tools to remain or become compliant with federal regulations including, but not limited to, those in roles such as fixed route and paratransit operations managers, trainers, construction managers, and project finance professionals.

Will 3rd Party contractors be used to fulfill this activity line item?

No, 3rd Party Contractors will not be used for this line item.

Funding Source	Section of Statute	CFDA Number	Amount
5339 – Low or No Emission Grants Competitive	5339-2	20526	\$107,453
Local			\$26,863
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$134,316

Milestone Name	Est. Completion Date	Description
Start Date	11/30/2024	Start Date
End Date	7/31/2028	End Date

Project Environmental Findings

Finding: Class II(c) - Categorical Exclusions (C-List)

Class Level Description

Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. FTA requires a sufficient project

description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

Categorical Exclusion Description

Type 04: Planning and administrative activities which do not involve or lead directly to construction, such as: training, technical assistance and research; promulgation of rules, regulations, directives, or program guidance; approval of project concepts; engineering; and operating assistance to transit authorities to continue existing service or increase service to meet routine demand.

Date	Description	Date
	Class IIc CE Approved	

Scope Name / Code	Line Item Number	Line Item Name	Quantity	FTA Amount	Total Eligible Cost
SAFETY (571-00)	57.10.04	TRAINING	1	\$107,453.00	\$134,316.00

Project Title: FY 2023 Sec 5339 (c) Administrative Costs

Project Number	Temporary Project Number	Date Created	Start Date	End Date
AZ-2025-008-04-00	1667-2024-1-P4	5/3/2024	11/30/2024	7/31/2028

Project Description

Project Funding

Federal Funds (80%):

Section 5339 (c), FFY 2023 Arizona State UZA #040000: (80%) \$383,760

Local match (20%) \$95,940

Total project Cost \$479,700

This project includes 1 activity:

Administrative Costs to be used for the administration of Federal Transit Administration (FTA) funded public transit capital and grant administration programs.

Project Benefits

This project will allow The City of Tucson to oversee project administration activities of FTA funded public transit capital and grant administration programs.

Additional Information

None provided.

Location Description

The City of Tucson provides fixed-route service within the City of Tucson, South Tucson, Pima County, Town of Marana, and the Town of Oro Valley. The city also provides complementary paratransit along all fixed routes, excluding commuter routes. The population of the city's service area is approximately 1, 040,000.

Project Location (Urbanized Areas)

UZA Code	Area Name
040720	Tucson, AZ

Congressional District Information

District	State
6	Arizona
7	Arizona

Program Plan Information

STIP/TIP

Date: 6/3/2024

Description: Date: 6/3/2022

Description: TIP Project ID: 40.23

TIP No: 2022-2026

Project Name: FY 2023 Sec 5339 Low or No Emission Grant Program

MPO Approval Date: 04/09/2024

State DOT Approval Date: 04/12//2024

FTA/FHWA Approval Date: N/A

Urbanized Area: Tucson, AZ

UPWP

Date: N/A

Description: N/A

Long Range Plan

Date: N/A

Description: N/A

Project Control Totals

Funding Source	Section of Statute	CFDA Number	Amount
5339 – Low or No Emission Grants Competitive	5339-2	20526	\$383,760
Local			\$95,940
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$479,700

Project Budget

Project Number	Budget Item	FTA Amount	Non-FTA Amount	Total Eligible Amount	Quantity
AZ-2025-008-04-00	620-00 (620-A4) PROJECT ADMINISTRATION	\$383,760.00	\$95,940.00	\$479,700.00	1
AZ-2025-008-04-00	11.79.00 Administrative Costs	\$383,760.00	\$95,940.00	\$479,700.00	1

Project Budget Activity Line Items

Budget Activity Line Item: 11.79.00 - Administrative Costs

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
PROJECT ADMINISTRATION (620-00)	11.79.00	PROJECT ADMINISTRATION	PROJECT ADMINISTRATION	1

Extended Budget Description

PROJECT FUNDING

FY 2023 Federal Section 5339 (c) (UZA #040720) \$383,760

Federal Funds (80%): \$383,760

Local Match (20%): \$95,940

Total Eligible Amount: \$479,700

The funding for FY 2023 Sec 5339 (c) award is for for associated administrative costs. These funds will be used for administrative costs of Federal Transit Administration (FTA) funded public transit capital and grant administration programs.

Will 3rd Party contractors be used to fulfill this activity line item?

No, 3rd Party Contractors will not be used for this line item.

Funding Source	Section of Statute	CFDA Number	Amount
5339 – Low or No Emission Grants Competitive	5339-2	20526	\$383,760
Local			\$95,940
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$479,700

Milestone Name	Est. Completion Date	Description
Start Date	11/30/2024	Start Date

End Date	7/31/2028	End Date
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Project Environmental Findings

Finding: Class II(c) - Categorical Exclusions (C-List)

Class Level Description

Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. FTA requires a sufficient project description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

Categorical Exclusion Description

Type 04: Planning and administrative activities which do not involve or lead directly to construction, such as: training, technical assistance and research; promulgation of rules, regulations, directives, or program guidance; approval of project concepts; engineering; and operating assistance to transit authorities to continue existing service or increase service to meet routine demand.

Date Description	Date
Class IIc CE Approved	

Scope Name / Code	Line Item Number	Line Item Name	Quantity	FTA Amount	Total Eligible Cost
PROJECT ADMINISTRATION (620-00)	11.79.00	Administrative Costs	1	\$383,760.00	\$479,700.00

Part 4: Fleet Details

Fleet Type: Light Rail

Fleet Comments

Streetcar

		Current Value
I.	Active Fleet	
	A. Peak Requirement	6
	B. Spares	2
	C. Total (A+B)	8
	D. Spare Ratio (B/A)	33.33%
II.	Inactive Fleet	
	A. Other	0
	B. Pending Disposal	0
	C. Total (A+B)	0

III.	Total (I.C and II.C)	8
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Fleet Type: Paratransit

Fleet Comments

Sun Van - Under 30ft replacement buses

Updated fleet number 04/08/2025 - Isaac Marcor

		Current Value
I.	Active Fleet	
	A. Peak Requirement	119
	B. Spares	17
	C. Total (A+B)	136
	D. Spare Ratio (B/A)	14.29%
II.	Inactive Fleet	
	A. Other	0
	B. Pending Disposal	47
	C. Total (A+B)	47
III.	Total (I.C and II.C)	183

Fleet Type: Fixed Route

Fleet Comments

Sun Tran - 40ft replacement buses include security cameras and AVL systems

Regional Transportation Authority Sun Shuttle

Sun Tran has 185 buses, 10 other (contingency), 43 waiting for disposal, 30 spares.

Updated fleet numbers 04/08/2025 - Isaac Marcor

		Current Value
I.	Active Fleet	
	A. Peak Requirement	155
	B. Spares	30
	C. Total (A+B)	185
	D. Spare Ratio (B/A)	19.35%
II.	Inactive Fleet	
	A. Other	10
	B. Pending Disposal	43
	C. Total (A+B)	43
III.	Total (I.C and II.C)	228

Part 5: FTA Review Comments

Application Review Comments

Comment By Tony Belleau

Comment Type Pre-Award Manager Returns Application

Date 8/6/2024

Comment Returning to recipient to address discretionary fund note.

Comment By Tony Belleau

Comment Type Pre-Award Manager Returns Application

Date 9/21/2024

Comment Returning to recipient to address review comments during TrAMS closure.

Part 6: Agreement

UNITED STATES OF AMERICA DEPARTMENT OF TRANSPORTATION FEDERAL TRANSIT ADMINISTRATION

GRANT AGREEMENT (FTA G-33)

On the date the authorized U.S. Department of Transportation, Federal Transit Administration (FTA) official signs this Grant Agreement, FTA has obligated and awarded federal assistance as provided below. Upon execution of this Grant Agreement by the Recipient named below, the Recipient affirms this FTA Award, enters into this Grant Agreement with FTA, and binds its compliance with the terms of this Grant Agreement.

The following documents are incorporated by reference and made part of this Grant Agreement:

- (1) "Federal Transit Administration Master Agreement," FTA MA(33), <http://www.transit.dot.gov>,
- (2) The Certifications and Assurances applicable to the FTA Award that the Recipient has selected and provided to FTA, and
- (3) Any Award notification containing special conditions or requirements, if issued.

WHEN THE TERM "FTA AWARD" OR "AWARD" IS USED, EITHER IN THIS GRANT AGREEMENT OR THE APPLICABLE MASTER AGREEMENT, "AWARD" ALSO INCLUDES ALL TERMS AND CONDITIONS SET FORTH IN THIS GRANT AGREEMENT.

FTA OR THE FEDERAL GOVERNMENT MAY WITHDRAW ITS OBLIGATION TO PROVIDE FEDERAL ASSISTANCE IF THE RECIPIENT DOES NOT EXECUTE THIS GRANT AGREEMENT WITHIN 90 DAYS FOLLOWING FTA's AWARD DATE SET FORTH HEREIN.

FTA AWARD

Federal Transit Administration (FTA) hereby awards a Federal Grant as follows:

Recipient Information

Recipient Name: CITY OF TUCSON

Recipient ID: 1667

UEI: X487LACQEQN6

DUNS: 072450869

Award Information

Federal Award Identification Number: AZ-2025-008-00

Award Name: FY 2023 Sec 5339 (c) Discretionary - Sun Tran Compressed Natural Grants (CNG) Buses

Award Start Date: 5/2/2025

Original Award End Date: 6/30/2028

Current Award End Date: 6/30/2028

Award Executive Summary: This application includes \$26,168,594 in FY2023 Section 5339 funding as selected for award under the Low or No emission discretionary funding program (Earmark ID # D2023-LWNO-003). It will be used for the purchase of compressed natural gas (CNG) buses.

Funding for all projects included in this grant application is provided by the following apportionment years and Urbanized areas (UZAs):

Section 5339 (c), FFY2023 Tucson (UZA #040000): \$21,490,560
TOTAL Section 5339: \$26,168,594

Overall grant funding
Total Federal Funds: \$21,490,560
Total Non-Federal Share: \$5,372,640
Total Eligible Project Cost: \$26,863,200

The City of Tucson is hereby submitting this grant application in support of the following capital projects:

1) Purchase of thirty-six (36) 40' bus replacements

This grant applies \$20,891,894 of FFY2023 Section 5339 (c) funds to purchase bus replacements. We will purchase thirty-six (36) 40' compressed natural gas (CNG) buses that have an expected useful life of 12 years and/or 500,000 miles. The vehicles being replaced have met their useful life of 12 years and/or 500,000 miles and will be disposed of in accordance with Federal requirements. These buses will meet the Clean Air Act standards (CAA) and the Americans with Disabilities Act (ADA) requirements. Additionally, the City intends to purchase three (3) more vehicles, bringing the total to thirty-nine (39), as outlined in the original award proposal. Details regarding this acquisition will be included in an existing application budget.

2) Workforce Development Training

This project applies \$107,453 in FFY2023 Section 5339 (c) funding for workforce development and training. These funds will be used to train bus maintenance staff and first responders on maintaining and

responding to CNG buses, bus operators on bus familiarity, safety, and operation, facilities maintenance staff on familiarity of proper procedures for zero emission buses, as well as other developmental activities as outlined in the Zero-Emission Fleet Transition Plan.

3) National Transit Institute (NTI) training

This project applies \$107,453 in FFY2023 Section 5339 (c) funding for NTI training. These funds will be used to help City of Tucson, Sun Tran, Sun Van, and Sun Link staff understand processes and learn tools to remain or become compliant with federal regulations including, but not limited to, those in roles such as fixed route and paratransit operations managers, trainers, construction managers, and project finance professionals.

4) Administrative Costs

This project applies \$383,760 in FFY2023 Section 5339 (c) funding for associated administrative costs. These funds will be used for administrative costs of Federal Transit Administration (FTA) funded public transit capital and grant administration programs.

Research and Development: This award does not include research and development activities.

Indirect Costs: This award does not include an indirect cost rate.

Suballocation Funds: Recipient organization is directly allocated these funds and is eligible to apply for and receive these funds directly.

Pre-Award Authority: This award is using Pre-Award Authority.

Award Budget

Total Award Budget: \$26,863,200.00

Amount of Federal Assistance Obligated for This FTA Action (in U.S. Dollars): \$21,490,560.00

Amount of Non-Federal Funds Committed to This FTA Action (in U.S. Dollars): \$5,372,640.00

Total FTA Amount Awarded and Obligated (in U.S. Dollars): \$21,490,560.00

Total Non-Federal Funds Committed to the Overall Award (in U.S. Dollars): \$5,372,640.00

Award Budget Control Totals

(The Budget includes the individual Project Budgets (Scopes and Activity Line Items) or as attached)

Funding Source	Section of Statute	CFDA Number	Amount
5339 – Low or No Emission Grants Competitive	5339-2	20526	\$21,490,560
Local			\$5,372,640
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0

Transportation Development Credit		\$0
Adjustment		\$0
Total Eligible Cost		\$26,863,200

(The Transportation Development Credits are not added to the amount of the Total Award Budget.)

U.S. Department of Labor Certification of Public Transportation Employee Protective Arrangements:

DOL Decision: DOL Concurs - Certified

DOL Review Date: 4/10/2025

DOL Certification Date: 4/10/2025

Special Conditions

There are no special conditions.

FINDINGS AND DETERMINATIONS

By signing this Award on behalf of FTA, I am making all the determinations and findings required by federal law and regulations before this Award may be made.

FTA AWARD OF THE GRANT AGREEMENT

Awarded By:

Ray Tellis

Regional Administrator

FEDERAL TRANSIT ADMINISTRATION

U.S. DEPARTMENT OF TRANSPORTATION

Contact Info: ray.tellis@dot.gov

Award Date: 5/2/2025

EXECUTION OF THE GRANT AGREEMENT

Upon full execution of this Grant Agreement by the Recipient, the Effective Date will be the date FTA or the Federal Government awarded Federal assistance for this Grant Agreement.

By executing this Grant Agreement, the Recipient intends to enter into a legally binding agreement in which the Recipient:

- (1) Affirms this FTA Award,
- (2) Adopts and ratifies all of the following information it has submitted to FTA:
 - (a) Statements,
 - (b) Representations,
 - (c) Warranties,
 - (d) Covenants, and
 - (e) Materials,
- (3) Consents to comply with the requirements of this FTA Award, and
- (4) Agrees to all terms and conditions set forth in this Grant Agreement.

Executed By:
Samuel Credio
Director
CITY OF TUCSON
5/5/2025

EXHIBIT B

From: [Sam Credio](#)
To: anthony.belleau@dot.gov
Cc: [Andy Bemis](#); [Helen Wheeler](#)
Subject: AZ-2025-008-00 - Grant Execution
Date: Monday, May 12, 2025 4:06:59 PM
Attachments: [image001.png](#)

Hello Tony,

It was nice speaking with you the other day about the City of Tucson's Low/No Grant Award referenced in the subject line. As we discussed on the phone, I did not have the authority to execute the grant in TrAMS. I understand that, logistically, there is no easy way to withdraw my May 5, 2025 approval of the Grant AZ-2025-0008 grant agreement in TrAMS. This email is to reiterate, however, that I did not have authorization to sign for the City of Tucson. A week or so before I accepted the grant, the Tucson City Manager, Timothy Thomure, changed the City's grant acceptance policy. All grant agreement executions and acceptances must now be done by him. I will notify you by email when he has approved Grant AZ-2025-008-00.

Additionally, we will begin the process on our end to modify the Accountable Executive to reflect this new policy by the City Manager. Our staff will follow the procedures outlined in the TrAMS user manual.

Please feel free to contact me directly if you have any questions.

Thank you,
Sam



Samuel A. Credio, P.E.
Director
Transportation and Mobility | City of Tucson
Sam.credio@tucsonaz.gov
Direct 520.837.6641

EXHIBIT C

Run Date: 03/12/2024
Run Time: 10:31:25

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
FEDERAL-AID PROJECT AGREEMENT**

Report: FMISD05A
Page 1 of 2

RECIPIENT: 4-Arizona

FEDERAL PROJECT NO: TUC0274

UEI (SAM): MSVMLAKEYJC5

RECIPIENT PROJ. NO(S): T044401C,T044401D

1. The State through its department of transportation, or other recipient, has complied, or hereby agrees to comply, with the applicable terms and conditions set forth in (a) Title 23, U.S. Code, highways; (b) The regulations issued pursuant thereto, and the policies and procedures promulgated by the Federal Highway Administration; and (c) All other applicable federal laws and regulations. 2. The State, or other recipient, stipulates that as a condition to payment of the Federal funds obligated, it accepts and will comply with the provisions set forth in 23 CFR 630.112. **These provisions incorporate by reference all other federal laws and regulations pertaining to the project or the activity for which the funds are obligated.** Solely for the purposes of emphasis, such applicable provisions include, but are not limited to, the requirements of Appendix A to 2 CFR Part 170—Award terms for Reporting subaward and executive compensation information, and 2 CFR 200, including for those funds for which such amount will be subawarded to a subrecipient, 2 CFR 200.331.3. Relative to the above designated project, the FHWA has authorized certain work to proceed as evidenced by the date entered opposite the specific item of work. For such authorized work, the federal funds obligated or advance-construction authorized, are not to exceed the amount shown herein. The balance of the estimated total project cost is an obligation of the State or other direct recipient. 4. Such authorization of Federal funds extends only to project costs incurred by the State, or other recipient, following Federal Highway Administration's authorization to proceed with the project.

PROJECT TITLE: Mary Ann Celeveland Way, From Houghton Rd to Atterbury Wash Way, In Tucson

PROJECT DESCRIPTION: DESIGN AND CONSTRUCT SHARED-USE PATH

DUNS#:

SUBRECIPIENT PROJECT: No

SUBRECIPIENT UEI (SAM):

SUBRECIPIENT NAME:

PROJECT END DATE: 06/30/2030

**CLASSIFICATION OF PHASE OF WORK
TO BE PUT UNDER AGREEMENT**

**EFFECTIVE DATE OF
AUTHORIZATION**

HIGHWAY PLANNING & RESEARCH

PRELIMINARY ENGINEERING

RIGHT-OF-WAY

CONSTRUCTION

02/29/2024

OTHER

PROGRAM CODE	FAIN	URBAN/ WITH	TOTAL COST	FEDERAL SHARE	FEDERAL FUNDS UNDER AGREEMENT	ADVANCED CONST. FUNDS
Y926	693JJ22440000Y926AZTUC0274		\$1,869,065.00	94.30%	\$1,029,897.00	\$0.00
TOTAL			\$1,869,065.00		\$1,029,897.00	\$0.00

ESTIMATED TOTAL COST: \$1,869,065.00
TOTAL AUTHORIZED FOR PROJECT: \$1,029,897.00

DEPARTMENT OF TRANSPORTATION ARIZONA

AVAILABLE FUNDS CERTIFIED BY:	SOCORRO JUAREZ	DATE:	02/26/2024
APPROVED AND REQUESTED BY:	Alison Hart	DATE:	02/26/2024
AGRMT/MODIFY REQUESTED BY:	Alison Hart	DATE:	02/26/2024

FEDERAL HIGHWAY ADMINISTRATION

PROJECT INFORMATION REVIEWED BY:	Roman Moreno	DATE:	02/27/2024
APPROVAL RECOMMENDED BY:	Susan Webber	DATE:	02/29/2024
APPROVED AND AUTHORIZED BY:	Thomas Deitering	DATE:	03/12/2024

RECIPIENT REMARKS:

2/13/24-Federal-aid participation does not include a contribution of \$766,916.00 shown as funds provided by the City of Tucson. ADOT is not aware of any ineligible items these funds are attributed towards. In the event contract bids are low, it is allowable for these additional funds to be reduced, while Federal-aid funds are fully expended. The total project cost of \$1,869,065 includes \$10,000 of local funding previously used for design, and are not part of the requested construction costs in this authorization
Project End Date: 6/30/2030
CFDA Number: 20.205
FY24 ICAP Rate: 10.70% not applicable to this project

Run Date: 03/12/2024
Run Time: 10:31:25

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
FEDERAL-AID PROJECT AGREEMENT**

Report: FMISD05A
Page 2 of 2

DIVISION REMARKS:

Project End Date: 6/30/2030

CFDA Number: 20.205

FY24 ICAP Rate: 10.70% not applicable to this project

Federal-aid participation does not include a contribution of \$766,916.00 shown as funds provided by the City of Tucson. ADOT is not aware of any ineligible items these funds are attributed towards. In the event contract bids are low, it is allowable for these additional funds to be reduced, while Federal-aid funds are fully expended.

The total project cost of \$1,869,065 includes \$10,000 of local funding previously used for design, and are not part of the requested construction costs in this authorization.

CONST authorized on 2/29/2024 by S. Webber

FEDERAL HIGHWAY ADMINISTRATION - ARIZONA DIVISION OFFICE ARIZONA DEPARTMENT OF TRANSPORTATION			LETTER OF AUTHORIZATION AND PROJECT AGREEMENT					
"The FHWA and ADOT Stewardship and Oversight Agreement for Arizona (April, 2015)"			<input checked="" type="checkbox"/> Authorization			<input type="checkbox"/> Modified Project Agreement		
			<input checked="" type="checkbox"/> Project Agreement			<input type="checkbox"/> Grant Agreement		
The state agrees that as a condition to payment of the Federal funds obligated, it accepts and will comply with the agreement provisions set forth in 23 CFR 630.112; and its signature constitutes the making of the certificates.								
UEI (SAM): MSVMLAKEYJCS								
FEDERAL AID PROJECT NO.		SUFFIX		PROGRAM / PHASE (ADOT)		COUNTY		
TUC-0(274)		D		T044401C		PIMA		
DATE AUTHORIZATION EFFECTIVE				FMIS DATE				
GENERAL LOCATION								
Mary Ann Celeveland Way, From Houghton Rd to Atterbury Wash Way, In Tucson								
GENERAL DESCRIPTION OF WORK								
DESIGN AND CONSTRUCT SHARED-USE PATH								
YOU ARE AUTHORIZED TO PROCEED WITH THE WORK CHECKED BELOW:								
<input type="checkbox"/> PHASE I: PRELIMINARY ENGINEERING - SCOPING, LOCATION STUDIES, ENVIRONMENTAL STUDIES AND PRELIMINARY DESIGN				<input checked="" type="checkbox"/> CONSTRUCTION - ADVERTISE FOR RECEIPT OF BIDS				
<input type="checkbox"/> PHASE II: PRELIMINARY ENGINEERING - FINAL DESIGN/PREPARATION OF CONTRACT PLANS				<input type="checkbox"/> CONSTRUCTION - PROCEED ON AN AGREED PRICE AND/OR FORCE ACCOUNT BASIS				
<input type="checkbox"/> ACQUISITION OF RIGHT-OF-WAY				<input type="checkbox"/> Other:				
FUNDING	TOTAL ESTIMATED PROJECT COST(\$)	FEDERAL PARTICIPATION AMOUNT(\$)	FEDERAL FUNDS(\$)	APPN CODE	RATIO(%)			
PREVIOUS AUTHORIZATIONS:								
THIS AUTHORIZATION	\$1,859,065.00	\$1,092,149.00	\$1,029,897.00	Y926	94.30%			
PROJECT TOTALS	\$1,869,065.00	\$1,102,149.00	\$1,029,897.00					
OTHER (SPECIFY)								
Federal-aid participation does not include a contribution of \$766,916.00 shown as funds provided by the City of Tucson. ADOT is not aware of any ineligible items these funds are attributed towards. In the event contract bids are low, it is allowable for these additional funds to be reduced, while Federal-aid funds are fully expended.								
The total project cost of \$1,869,065 includes \$10,000 of local funding previously used for design, and are not part of the requested construction costs in this authorization								
Project End Date: 6/30/2030 CFDA Number: 20.205 FY24 ICAP Rate: 10.70% not applicable to this project								
C & S Engineer email contact # A Dana Cherry dcherry@azdot.gov (602) 712-7030 D Project Manager email contact # O Socorro Juarez sjarez@azdot.gov (602) 612-8470 2/26/2024 T Prepared by <i>Alison Hart</i> email contact # date Authorized by _____ Date _____ Resource Administration _____ Title _____				Authorization F by _____ H for Division Administrator Agreement W by _____ A for Division Administrator				

FHWA - ARIZONA DIVISION FMIS4 CODING FORM

Federal Aid Project No.:		TUC-0(274)			ADOT Project No.		T044401C	
Project Type:		D (Conventional, Emergency Relief, Demo, STP, SIB)			Route/County/MP		PIMA	
Project Description & Type of Work:		Mary Ann Celeveland Way, From Houghton Rd to Atterbury Wash Way, In Tucson DESIGN AND CONSTRUCT SHARED-USE PATH						
Standard Place Code:		Inventory Rte No.:						
Mile Point Number:		Begin:		Ending:		Est Constr Date:		
STIP/TIP #:	10.22	STIP Year:	2024	Environmental Document:	2A - CE, Prog		((EIS, Catg Excl-(Programmatic- State Docs- FHWA Docs), Environ Assess, FONSI))	
Enviro Doc Date:		County Name:	PIMA	Urbanized Area:	88732 - Tucson		Urban/Rural:	Urban
Functional System:		0			(Freeway & Exprwy, Local, Major Collector, Minor Arterial, Minor Collector, Other Principal Arterial, No Functional Class)			
Fed Aid System:		4			Congressional District(s) & %:		7	100.00%
Toll Road?	<input type="checkbox"/>	Safety 100%:	<input type="checkbox"/>	Temp Matching?	<input type="checkbox"/>	Indian Resv?	<input type="checkbox"/>	CMAR?
FHWA Area:		A-1			Contracts and Specifications Engineer:			
GREYED OUT SECTIONS TO BE COMPLETED BY PROGRAM FINANCE:								
LINE ITEM	IMPROVEMENT TYPE	PROG CODE	HIP FEDERAL AMT (94.3%)	CITY OF TUCSON LOCAL AMT (5.7%)	RTA AMT (100%)	CITY OF TUCSON LOCAL AMT (100%)	TOTAL AMT	NBI #
2	28	Y926	\$932,070	\$56,339			\$988,409	
3	17	Y926	\$46,604	\$2,817			\$49,421	
4	28	Y926	\$47,070	\$2,845			\$49,915	
5	28	Y926	\$4,153	\$251			\$4,404	
6	28	Y926			\$181,002		\$181,002	
7	17	Y926			\$9,050		\$9,050	
8	28	Y926			\$9,141		\$9,141	
9	28	Y926			\$807		\$807	
10	28	Y926				\$513,066	\$513,066	
11	17	Y926				\$25,653	\$25,653	
12	28	Y926				\$25,910	\$25,910	
13	28	Y926				\$2,287	\$2,287	
14								
15								
16								
17								
18								
Eng & Cont								
Eng & Cont								
Consult Svs								
Consult Svs								
DPS Sfty								
Incentives Smoothness								
Incentive Other								
GRAND TOTAL:			\$1,029,897	\$62,252	\$200,000	\$566,916	\$1,859,065	
AZFMIS4			FMIS4FORM					

AGREEMENT ESTIMATE
RECAPITULATION

LOCATION: Mary Ann Celeveland Way, From Houghton Rd to Atterbury Wash Way
DESCRIPTION OF WORK: Construct a 6,800 Linear Foot Asphaltic Concrete Shared-use Path
Federal Aid Project No. TUC-0(274)D
ADOT Project Number T0444 01C(01)D

Sheet 1 of 1
1/29/2024
K. Huston

DESCRIPTION	FHWA CODE	CONTRACTOR'S BID	FEDERAL PARTICIPATING	FEDERAL FUNDS 94.3%	LOCAL FUNDS 5.7%	RTA FUNDS 100%	LOCAL FUNDS 100%
Facilities for Pedestrians and Bicycles	28	\$1,682,477	\$988,409	\$932,070	\$56,339.00	\$181,002	\$513,066
SUBTOTAL		\$1,682,477	\$988,409	\$932,070	\$56,339	\$181,002	\$513,066
CONSTRUCTION CONTINGENCY	5%	\$84,124	\$49,421	\$46,604	\$2,817	\$9,050	\$25,653
CONSTRUCTION ADMINISTRATION	5.05%	\$84,966	\$49,915	\$47,070	\$2,845	\$9,141	\$25,910
SURVEY LAYOUT	0.4457%	\$7,498	\$4,404	\$4,153	\$251	\$807	\$2,287
PROJECT TOTAL:		\$1,859,065	\$1,092,149	\$1,029,897	\$62,252	\$200,000	\$566,916

TOTAL FEDERAL (94.30%)	\$1,029,897
TOTAL LOCAL (5.70%)	\$62,252
RTA	\$200,000
TOTAL LOCAL (100%)	\$566,916
TOTAL	\$1,859,065

2/26/2024
Date

Our True North: *Safely Home*

Infrastructure Delivery and Operations

Katie Hobbs, Governor

Jennifer Toth, Director

Greg Byres, Deputy Director for Transportation/State Engineer

Steve Boschen, Division Director

02/01/2024

Ms. Karla S. Petty
Division Administrator
Federal Highway Administration
4000 N. Central Ave., Suite 1500
Phoenix, Arizona 85012-1906

RE: ADOT PROJECT NO.: T044401C

FEDERAL PROJECT NO.: TUC-0(274)D

PROJECT TERMINI: N/A

PROJECT LOCATION: City of Tucson, Mary Ann Cleveland Way.

☒ CONTRACT TIME: 365 (☐ WORKING DAYS or ☒ CALENDAR DAYS), or

☐ FIXED DATE:

ESTIMATED CONTRACT COST: \$1,859,065.00

Dear Ms. Petty,

The Arizona Department of Transportation (ADOT) is ready to request authorization for the above mentioned Certification Acceptance Agency project.

The final set of Plans, Specification and Estimate (PS&E) for this project was approved on: 04/02/2021
by: Kevin U. Letendre and verified by ADOT on: N/A

The Proposed Work is:

- ☐ Pavement Preservation:
 - ☐ Pavement Preservation – Surface treatments up to two-inches.
 - ☐ Pavement Rehabilitation (3R) – Mill and Fill greater than two-inches.
- ☒ Other (Indicate Type of Work): Shared Use Path
- ☐ Procurement:
 - ☐ Materials only procurement – Installation will be completed by Local Agency forces without any Federal participation or reimbursement for installation. Cost of installation is included as non-participating.
 - ☐ Materials only procurement – Installation will be completed by Contractor without any Federal participation or reimbursement for installation. Cost of installation is included as non-participating.
 - ☐ Procurement of materials and installation completed by Contractor using Federal funds.
 - ☐ Procurement of materials and resources for the Safe Routes to School (SRTS) Support Program.

The Project Description is:

The Mary Ann Cleveland Way Shared Use-Use Path will construct approximately 6,800 LF of asphaltic concrete path east of Houghton Rd to west of Atterbury Wash Way. This project will include curb, curb access ramps, raised crosswalks, drainage culverts, pavements marking, signing and landscaping improvements.

Has the project been approved for Increased Federal Share for Innovative Technology Deployment?

- ☒ No.
- ☐ Yes, a 5% increase in Federal Aid participation for Innovative Technology Deployment (ITD) is included in this request. ITD funds will be used for:

Project Funding:

- ☒ The project is included in the approved 5-Year program.
- ☒ The project is included in STIP Number 103728 approved by FHWA on: N/A

The STIP amendment number _____ if applicable was approved by FHWA on:

- ☒ The project is included in TIP Number 10.22

Is this project using HSIP funding? ☒ No. ☐ Yes, eligibility approved on: _____ by:

Is there a Local / 3rd Party contribution of funds above the required match?

- ☐ No.
- ☐ Yes, all work is eligible. The Local / 3rd Party is committed to funding \$ _____ of the project. Should the bids come in low, no local funding will be deobligated.
- ☒ Yes, the total Local / 3rd Party contribution above the required match is \$766,916.00
- Of this amount: \$766,916.00
- ☒ \$ ~~500,916.00~~ is eligible for Federal reimbursement, including if bids are low or major changes occur.
- ☐ \$ _____ is not eligible for Federal reimbursement; should bids be low or any major changes occur, this portion cannot be replaced with Federal Aid. The reason for the overmatch is:

Design Exceptions:

- ☒ Were not required for this project.
- ☐ Were approved for this project on: _____ by:

System Engineering:

- ☒ Was not required on this project.
- ☐ Was approved for this project on: _____ by:

Is a Utility Clearance Letter required for this project? ☐ No.

☒ Yes.

If Yes, the Utility Clearance Letter for this project was issued on: 09/11/2023

Choose the appropriate statement:

- ☒ Type 1 – All utilities have been cleared and relocated prior to construction.
- ☐ Type 2 – Conditional Clearance – Utilities will be cleared or relocated prior to bid opening.
- ☐ Type 3 – Conditional Clearance – Project can be authorized but will not be advertised prior to completion of utility relocation.
- ☐ Type 4 – Conditional Clearance – All utilities are mitigated. Contractor and/or Utility will coordinate final relocation during construction. See the Special Provisions for additional information.

Choose the appropriate statement:

- ☒ There is no railroad within ½ mile of the project limits.
- ☐ There is a railroad within ½ mile of the project limits. There is no railroad work on this project. The railroad was notified.
- ☐ There is a railroad within the project limits. Railroad work was completed prior to the advertisement of this project.
- ☐ There is a railroad within the project limits. Railroad work will be completed by the railroad and/or the contractor during this project. See attached special provisions for required coordination and impacts to this project.

Is a Right of Way Clearance Letter required for this project? ☐ No.
☒ Yes.

If yes, the Right of Way Clearance Letter for this project was issued on: 10/18/2023

The Conditional Clearance, if applicable was approved by FHWA on:

Choose the appropriate clearance type:

- ☒ Type 1 – In accordance with 23 CFR 635.309(c)(1) – All property rights including legal and physical possession have been obtained to construct the project and all relocation has been completed.
- ☐ Type 2 – is considered a Conditional Clearance: In accordance with 23 CFR 635.309(c)(2) – All property rights have not been fully acquired, but the right to occupy and to use all rights of way required for the proper execution of the project has been acquired. Trial or appeal of some parcels may be pending in court and on other parcels full legal possession has not been obtained but the right of entry has been obtained.
- ☐ Type 3 – is considered a Conditional Clearance: In accordance with 23 CFR 635.309(c)(3)-All property rights have not been obtained, but appropriate notification will be provided in the request for bids, identifying all locations where right of occupancy and use has not been obtained. FHWA has received appropriate notification identifying all locations where right of occupancy and use has not been obtained. Prior to the ADOT/LPA issuing a notice to proceed with construction to the contractor, the ADOT/LPA shall provide an updated notification to FHWA identifying all locations where right of occupancy and use has not been obtained along with a realistic date when physical occupancy and use is anticipated.

Business Engagement and Compliance (BECO) has established a DBE participation rate of 14.41 % for this phase of the project.

Department Furnished Materials: ☒ Are not required for this project.

☐ This project contains Department Furnished Materials. Specify the following:

- ☐ Manufactured Material (Use by the contractor must be Mandatory and PIF was approved on:
- ☐ Local Natural Materials –
 - ☐ Use by the contractor is Mandatory, PIF was approved on:
 - ☐ Use by the contractor is Optional, no PIF is required

A VE Study: ☒ Was not conducted on this project.
☐ Was conducted on this project on:

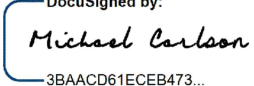
The NEPA Approval for this project was issued on: 11/27/2023

A formal Re-Evaluation (CE, EA, EIS), if applicable, was issued on:

☒ 326 MOU ☐ 327 MOU

ADOT certifies that NEPA requirements consistent with the scope of work of the project have been met and the project incorporates all environmental commitments per 23 CFR 771.109(d).

Project Environmental Clearance information provided by Environmental Planner:

DocuSigned by:

3BAACD61ECEB473...

Signature of Environmental Planner
1/31/2024

Date

Michael Carlson

Printed Name

The Department respectfully requests authorization to proceed with advertisement of bids for construction work on this project.

Sincerely, DocuSigned by:

C5C24A4CC16A46E...

Signature of Project Manager
02/01/2024

Date

Dana Cherry

Printed Name



Resource Admin - ADOT <resourceadmin@azdot.gov>

Re: NEEDS FMIS APPROVAL - CN TUC0274 T0444

1 message

Katie Rodriguez <krodriguez@azdot.gov>
To: Resource Admin - ADOT <resourceadmin@azdot.gov>

Mon, Feb 26, 2024 at 2:41 PM

Hello,

T0444: NEPA Approval was 11/27/2023 and was a Categorical Exclusion (CE) under the 326 MOU. No re-evaluation was done.

Thanks

Katie Rodriguez**Project Delivery Manager**

ADOT Environmental Planning

205 S. 17th Ave., MD EM02

Phoenix, AZ 85007

(work mobile) 480.521.8887

<https://azdot.gov/business/environmental-planning>

On Mon, Feb 26, 2024 at 2:38 PM Resource Admin - ADOT <resourceadmin@azdot.gov> wrote:

Hi Katie,

Do you have the NEPA information for T044401C?

----- Forwarded message -----

From: **Resource Admin - ADOT** <resourceadmin@azdot.gov>

Date: Mon, Feb 26, 2024 at 8:51 AM

Subject: NEEDS FMIS APPROVAL - CN TUC0274 T0444

To: Resource Admin - ADOT <resourceadmin@azdot.gov>

Hello,

Authorization request is ready for your review and approval.



Jorge Castillo
Compliance Program Coordinator | CA Liaison
(520) 649-3264
Jorge.castillo2@tucsonaz.gov

January 19, 2024

Dana Cherry

ADOT Project Manager
205 S 17th Ave, MD614E
Phoenix, Arizona 85007
dcherry@azdot.gov

RE: Request for Funding Authorization (\$1,029,897)
HIP/Consolidated Appropriations Act Funding Congressionally Directed
Mary Ann Cleveland Way Shared-Use Path
FEDERAL: TUC 0(274) D
TRACS: T0444 (phase -01C)

Ms. Cherry:

The City of Tucson Department of Transportation & Mobility (DTM) is prepared to issue an advertisement for a bid for this project to be constructed under the City of Tucson Certification Acceptance Program. The Mary Ann Cleveland Way Shared-Use Path will construct approximately 6,800 linear feet of an asphaltic concrete path east of Houghton Road to west of Atterbury Wash Way. This project will include curb, curb access ramps, raised crosswalks, drainage culverts, pavement markings, signing, and landscaping improvements.

The project will take place on City of Tucson-owned right-of-way located entirely within the City of Tucson, Pima County Arizona.

Utility Clearance September 11, 2023

Railroad: This project has no railroad involvement.

Disadvantage Business Enterprise. DTM has coordinated with ADOT to establish Disadvantage Business Enterprise Goals for this project. DBE Goal confirmation was received on December 6, 2023, and is included as backup documentation and can also be found in the Bid Book, attached.

The **Categorical Exclusion Document** for this project was approved on November 27, 2023 by the ADOT Environmental Planning Group. It was determined that the project meets the criteria of a Categorical Exclusion, in accordance with 23 CFR 771.117.



TRANSPORTATION & MOBILITY

Jorge Castillo
Compliance Program Coordinator | CA Liaison
(520) 649-3264
Jorge.castillo2@tucsonaz.gov

Right of Way Certification. No new right-of-way was needed or acquired for this project. See attached Right of Way review documentation.

Design Exception: No AASHTO design expectations were required in the development of the project design and specifications.

Proprietary Products: None

The City of Tucson respectfully requests federal funding authorization in the amount of **\$1,029,897**. This amount is fully eligible for federal funding. The total project construction cost estimate is \$1,859,077.

The following documents are enclosed as part of the CFAR packet:

- 2 Project Location Map
- 3 Appropriate Page from the TIP
- 4 Environmental Clearance Approval
- 5 Right-of-way Clearance
- 6 Utility Clearance
- 7 Materials Certification
- 8 Detailed Project Cost Estimate
- 9 Project Cost Estimate by Federal Job Code
- 10 Financial Recap Sheet with Federal Job Code
- 11 Project Schedule
- 12 Bid Book (including Special Provisions)
- 13 Project Plans
- 14 DBE Goal Assessment

The City of Tucson requests authorization to proceed with the construction of this project in accordance with the approved certification Acceptance Program. If you have any questions or require additional information regarding this project, please feel free to contact me at (520) 649-3264 or by email at jorge.castillo2@tucsonaz.gov.

Sincerely, *Jorge Castillo*

Jorge Castillo
Compliance Program Coordinator | CA Liaison



Jorge Castillo
Compliance Program Coordinator | CA Liaison
(520) 649-3264
Jorge.castillo2@tucsonaz.gov

TRANSPORTATION & MOBILITY

Cc: Robin Raine, DTM Deputy Director, CA Approval Authority
Alfred Zuniga, DTM Engineering Administrator, CA Responsible Charge
Sherry Martin, DTM Engineering Manager
David Burbank, DTM Engineering Manager
Juan Cruz, DTM Project Manager
Andy Bemis, DTM Planning/Programming Administrator
Priscilla Lane, City Tucson Finance Administrator
Trudi Payne, DTM Finance Manager
Christina Goodacre, DTM Finance Staff Assistant
Dan Longanecker, Procurement Manager
Lloyd Windle, CA Business Services Compliance Team Manager
Margot Grossman, CA DBE Liaison
Joanne Owens, CA DBRA Compliance Officer
Carolyn Laurie, PAG TIP Manager
Project File

From: [Margot Grossmann](#)
To: [Juan Cruz3](#); [Arturo Ledesma](#)
Cc: [Maritza Felix](#); [Jorge Castillo2](#); [John Yslas](#); [Joanne Owens](#)
Subject: FW: [EXTERNAL] MEMO: Completed goal setting assessment for contract T044401C
Date: Wednesday, December 6, 2023 9:37:25 AM

See below DBE goal for Mary Ann Cleveland Way Shared-Use Path.

From: ADOT - Do Not Reply <noreply@azdot.gov>
Sent: Wednesday, December 6, 2023 9:17 AM
To: Margot Grossmann <Margot.Grossmann@tucsonaz.gov>
Cc: DBEContractGoals@azdot.gov
Subject: [EXTERNAL] MEMO: Completed goal setting assessment for contract T044401C

Date: 12/6/2023 9:16:48 AM
Memo To: Margot Grossmann
Representing: City of Tucson

Regarding Goal Request for Contract #: **T044401C**
Project Title/Description: Mary Ann Cleveland Way Shared-Use Path

DBE Goal Assessment: 14.41%

Comments: None

The DBE goal assessed for the above referenced project is 14.41% and expires 120 calendar days from this date. This goal CANNOT be used in an advertisement after 4/4/2024; however, the project can be re-submitted so it can be assessed again, if necessary. To do so, you must log-in to the [DBE Contract Goal Setting System](#) and re-submit the project, allowing 10 business days for BECO to re-assess the goal.

Contact ADOT Business Engagement and Compliance Office at (602)712-7761 if you have any questions regarding this goal assessment.

Sincerely,
DBE Contract Goal Setting Team
ADOT Business Engagement and Compliance Office (BECO)
(602)712-7761 (Direct)
www.azdot.gov



Balancing the Natural and Built Environment

September 11, 2023

Arturo Ledesma, PE
Tucson Transportation and Mobility Department
201 N. Stone Ave., 6th Floor
Tucson, AZ 85701

Re: Utility Clearance Letter
ADOT Project No.: T0444 01D
Federal ID No.: TUC-0(274)D
Project: Mary Ann Cleveland Way Shared-Use Path, Tucson, AZ

Dear Arturo:

The work proposed for this project is located in the City of Tucson, Arizona in Pima County. The work involves the construction of an eight to ten-foot wide shared-use path along the north side of Mary Ann Cleveland Way from Houghton Road to Atterbury Wash Way, a distance of approximately 6800 linear feet.

All utilities within the project limits have been addressed, and we do not anticipate any utility conflicts with construction of the above referenced project.

The following agencies and utility companies have facilities in the area but are not anticipated to be in conflict:

Cox Communications
Jeff Krause
1440 E 15th Street
Tucson, AZ 85719
(520) 867-7526

Cox Communications has underground fiber within the project limits and has relocated its facilities in conflict in advance of this project. The Contractor is cautioned to use care when operating near these facilities.

333 E. Wetmore Road
Suite 450
Tucson, AZ 85705-5256

Tel 520.292.2300
Fax 520.292.1290
www.Psomas.com

Arturo Ledesma, PE
Page 2 of 3
September 11, 2023
ADOT Project No. T0444 01D

Fatbeam
Jessica Woods
2065 W. Riverstone Drive, Suite 105
Coeur d'Alene, ID 83814
(855) 979-8844

Fatbeam has fiber optic ducts within the project limits; however they are not anticipated to be in conflict and are to be protected in place. The Contractor is cautioned to use care when operating near these facilities. The Contractor shall contact Fatbeam at least two weeks before beginning construction within ten feet of any fiber optic ducts.

Lumen (CenturyLink)
Nate Hicks
333 E Wetmore Road, 3rd Floor
Tucson, AZ 85705
(520) 838-3038

Lumen has buried cables, aerial cables, ducts, pedestals & manholes within the project limits; however they are not anticipated to be in conflict and are to be protected in place. The Contractor is cautioned to use care when operating near these facilities.

Pima County Wastewater Reclamation
Tom Porter, P.E.
201 N Stone Avenue
Tucson, AZ 85701-1207
(520) 724-6719

Pima County Wastewater Reclamation has sewer facilities within the project limits; however they are not anticipated to be in conflict and are to be protected in place with the exception of manhole covers, which will be adjusted to grade by the Contractor. The Contractor is cautioned to use care when operating near these facilities.

Southwest Gas
Hector Rivas Cabrera
3401 E Gas Road
Tucson, AZ 85726-6500
(520) 775-0327

Southwest Gas has underground gas lines within the project limits. The contractor is required to have a stand-by on location when the contractor is working within 10 feet of all high pressure and 6" or greater diameter distribution gas facilities. The contractor must call (520) 794-6021 to schedule the stand-by a minimum of 24 hours in advance. The Contractor is cautioned to use care when operating near these facilities.

Arturo Ledesma, PE
Page 3 of 3
September 11, 2023
ADOT Project No. T0444 01D

Tucson Electric Power
Jesus Martinez
4350 E Irvington Rd
Tucson, AZ 85714
(520) 396-2551

Tucson Electric Power has underground and overhead electric lines within the project limits; however they are not anticipated to be in conflict and are to be protected in place. The Contractor is cautioned to use care when operating near these facilities.

Tucson Water
Monica Acuna
P.O. Box 27210
Tucson, AZ 85726-7210
(520) 837-2126

Tucson Water has underground water lines within the project limits; however they are not anticipated to be in conflict and are to be protected in place. The Contractor is cautioned to use care when operating near these facilities.


It shall be the Contractor's responsibility to determine the exact location of the utilities prior to any construction operations and to notify the above mentioned utility companies at least two (2) working days prior to commencing any work on the project.

There is an abandoned railroad within the project limits. The rails and ties have been removed within the project limits. There may be historic railroad ties north and south of the project limits within ½ mile of the project area.

With respect to utility adjustments and railroad impacts, this project may be released for bid.

Sincerely,

P S O M A S



Kevin T. Thornton, PE
Sr. Project Manager

Kevin Thornton

From: Kevin Thornton
Sent: Wednesday, September 6, 2023 10:25 AM
To: Kevin Thornton
Subject: Marry Ann Cleveland Shared Use Path

From: Krause, Jeff (CCI-Southwest) <Jeff.Krause@cox.com>
Sent: Friday, September 24, 2021 10:31 AM
To: Emem Akpan <emem.akpan@psomas.com>
Subject: Marry Ann Cleveland Shared Use Path

Cox is complete with it's vault move project.

Jeff Krause
Cox Communications
Construction Planner III
1440 E 15th St Tucson, AZ 85719
Office 520-867-7526
Cell 520-955-0084



[Access OSP Resources and Support Requests Here](#)



2065 w. riverstone drive ste. 105
coeur d'alene, id 83814

o 509 344 1008

f 509 344 1009

February 16, 2021

PSOMAS
333 E. Wetmore Rd.
Suite 450
Tucson, AZ 85705

RE: Mary Ann Cleveland Way – Shared-Use Path
Final Plan Submittal
COT Project Number U-2019-013
PSOMAS Project Number 7TUS180106

Dear Enem,

Upon review of the 100% plans, Fatbeam facilities has no conflict within the defined boundaries of the above referenced project.

Please be advised that in the event actual construction deviates from the 100% plans, Fatbeam must be notified to re-evaluate potential conflict with said new scope of work. Fatbeam's contact for construction changes will be:

Matt Knoblich
Construction Manager
matt@fatbeam.com
Cell – 208-929-0010

Fatbeam requests to be notified in writing, at least two weeks before beginning excavation within ten feet of any fiber optic ducts.

Obtain written approval from Fatbeam for excavating or blasting within ten feet of a buried fiber optic communication cable. Fatbeam may require an on-site safety representative at no cost to the Contractor for monitoring purposes. Provide the Engineer a copy of the written approval before beginning work.

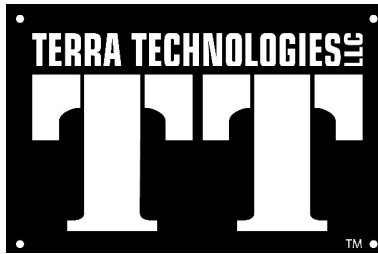
Locates must be called in accordance to Arizona 811 regulations.

In the event of damaged facilities, please contact Fatbeam NOC at 855-979-8844 with locate ticket information, location of damaged facilities along with any pictures.

Sincerely,


Jessica Woods
Project Manager

Cc: Kevin Letendre and Arturo Ledesma



CenturyLink™ Conflict Memorandum

Date: May 10, 2021

To: Emem Akpan (PSOMAS)
emem.akpan@psomas.com

From: Kevin Wagner, Terra Technologies LLC

Subject: CenturyLink™ Conflict Memo – Project No. U-2019-013 – City of Tucson – Mary Ann Cleveland Way – Shared-Use Path – Final

Terra Technologies is in receipt of the final plans and a letter dated April 9, 2021. Below you will see an overview of CenturyLink™ facilities within the project limits, and a brief project overview along with comments regarding any CenturyLink™ facilities with respect to the proposed project.

Inventory of CenturyLink™ Facilities

CenturyLink™ has facilities within the project limits. Terra Technologies anticipates that due to the path improvements that the CenturyLink™ facilities (ducts, manholes & handholes) should not be impacted. Plan markups have been attached showing an approximate location of CenturyLink™ facilities.

Project Overview

The design intent of this project appears to be a path improvement project.

Facility Locations and Impacts

CenturyLink™ underground and aerial facility mapping provided is based on NDS mapping and accuracy of vertical and horizontal location is only a representation of the exact field location. Please notify Terra Technologies LLC and CenturyLink™ with additional utility locating information if acquired.

Based on CenturyLink™ mapping, street view imagery and the construction drawings the following conflicts and/or potential conflicts should be addressed as part of this construction project.



CenturyLink™ Conflict Memorandum

(Note: Stations and Offsets are approximate see attached plan mark-ups for additional clarification of conflict locations)

PROBABILITY OF CONFLICT (POC)

L = Low M = Medium H = High K = Known (100%)

No.	LINE	STATION	OFFSET	FACILITY	CONFLICT	POC	ACTION
1	Mary Ann Cleveland Way	16+75 to 17+25	LT	Ducts	Proposed Storm Drain	L	Profiles indicate minimal cut to existing grade for proposed storm drain. Protect in place.
2	Mary Ann Cleveland Way	54+70	LT	Fiber Marker	Proposed Path	K	Marker relocation has been ok'd by PSOMAS and passed on to Lumen for internal resources to address

Please notify Terra Technologies LLC and CenturyLink™ when further milestone coordination or a Preconstruction Meeting will take place so a representative can be in attendance.

Terra Technologies and CenturyLink™ request to review the updated plans for any conflicts prior to disbursement for advertising.

In accordance with state law, Blue Staking for location of CenturyLink™ facilities must be completed prior to any construction. When crossing CenturyLink™ facilities you will be required to pothole to determine depth and maintain a minimum of 12 inch vertical and horizontal separation from facilities.

Pursuant to state law, support and protection is required for all CenturyLink™ facilities during construction.



CenturyLink™ Conflict Memorandum

Should the Contractor locate or expose an unknown CenturyLink™ facility, please contact CenturyLink™ as soon as possible.

Acquisition of required public Rights-of-Way, and removal of encumbrances from those Rights-of-Way, is the responsibility of the municipality or their agent prior to CenturyLink™ excavation in, or relocation to, the newly acquired Rights-of-Way.

In the event CenturyLink™ facilities need to be removed or relocated, some or all cost may be at the expense of the sponsoring agency.

If you have any questions or concerns regarding this review feel free to contact me immediately, either by phone or email at the number/address provided below. The contractor is also responsible for contacting CenturyLink™ prior to construction around the CenturyLink™ facilities.

Notification List

Terra Technologies LLC Kevin Wagner, Project Manager kwagner@terratechllc.net 815-245-9640	Terra Technologies LLC Chad Dalton, EIT cdalton@terratechllc.net 520-891-1726
Terra Technologies LLC Jason Jensen, P.E. jjensen@terratechllc.net 801-735-2464	CenturyLink™ (Engineer II) Yadira Delgado 333 E Wetmore Rd. 3 rd Floor Tucson, AZ 85705 Yadira.delgado1@centurylink.com 502-838-3029
CenturyLink™ (Lead Engineer) Nate Hicks 333 E Wetmore Rd. 3 rd Floor Tucson, AZ 85705 Nate.Hicks@centurylink.com 502- 838-3038	CenturyLink™ (Engineering and Construction Manager) Wendell Nelson 333 E Wetmore Rd. 3 rd Floor Tucson, AZ 85705 Wendell.Nelson@centurylink.com 502-838-3050



WASTEWATER RECLAMATION
201 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1207

JACKSON JENKINS
DIRECTOR

PH: (520) 724-6500
FAX: (520) 724-9635

Letter of Clearance (Updated)

August 9, 2023

Attn:

Kevin Letendre, P.E.
PSOMAS
333 E. Wetmore Road, Suite 450
Tucson, AZ 85705

Arturo Ledesma, P.E.
City of Tucson, Department of Transportation and Mobility
201 N. Stone
Tucson, AZ 85701

**RE: PCRWRD Utility Coordination - Letter of Clearance (Type 3) for
Mary Ann Cleveland Way Shared Use Path (100% Sealed Plans)**
COT DTM Tracking No.: D136 (Plan U-2019-013)
PCRWRD-UC Tracking No.: UPC-2020-041

In accordance with Pima County, AZ Code of Ordinances §13.20.450 Protection of the Existing Public Sewage Conveyance System (PSCS), Pima County Regional Wastewater Reclamation Department's (PCRWRD) Utility Coordination group has reviewed the above-referenced submittal for conformance with the PCRWRD Engineering Design Standards and PCRWRD Standard Specifications and Details for Construction (2022 editions). We are pleased to issue this Letter of Clearance with the following conditions:

1. The contractor must obtain a Small Activity Construction Permit from PCRWRD's Permit Section. For instructions and application, go to: <https://www.pima.gov/1899/Sewer-Construction-Permits>. Should you have questions in connection with the application, email RWRDPermitting@pima.gov.
2. After obtaining the permit, the contractor shall contact the PCRWRD Field Engineering Office at (520) 724-2651 to schedule a Pre-Construction Meeting.
3. A Flow Management Plan (FMP) is required per PCRWRD Standard Specifications and Details for Construction (SSDC), Section 3.3.3.D; appropriate subsection as defined by project improvements. The FMP shall include the temporary installation of manhole flow channel covers per Standard Detail No. RWRD-306 of the PCRWRD Standard Specifications and Details for Construction. These covers shall be installed in each manhole prior to performing any work on the manhole and removed after all work is completed. Please contact PCRWRD Field Engineering at (520) 724-2651 for any questions regarding flow channel covers and/or FMP.
4. Prior to commencing with manhole adjustment work (i.e. removal of the manhole frame and cover), the contractor shall visually inspect the condition of the manhole frame, cover and grade rings to identify any special coatings, linings or other conditions that may require additional work and inspection by PCRWRD. If such conditions are identified, the contractor shall immediately notify Field Engineering at (520) 724-2651 for further direction.

PCRWRD is not responsible for any costs associated with this project.

Occasionally electronic equipment used by RWRD for measuring flows will be located inside of sanitary sewer manholes. If the Contractor encounters electrical wiring, cable, or electronic equipment in a manhole, do not disturb the manhole until receiving further instructions by calling the Flow Monitoring Unit at (520) 724-6162 or (520) 724-2248.

This letter is valid for two years from its date of issuance.

If you have any additional questions, please feel free to contact me at either (520) 724-6719 or Thomas.Porter@pima.gov. This letter is valid for two years from its date of issuance.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'Tom Porter', with a stylized flourish at the end.

Tom Porter, P.E.
Technical Services and Engineering/Utility Coordination

Attachment: Review Comment Form – 1 page.

Copy: Lorenzo Hernandez, RWRD Field Engineering Manager
Eric Olson, RWRD Public Works Supervisor
RWRD Permitting
File



February 18, 2021

PSOMAS

Emem E.I Akpan, ENV SP
333 East Wetmore Road, Suite 450
Tucson, AZ 85705

RE: Mary Ann Cleveland 100%

Ms. Emem:

The 100% plans for the above-referenced project have been reviewed by Southwest Gas Corporation (SWG). Existing SWG facilities are generally shown correctly on the plans; no redlines have been provided. SWG anticipates conflicts with the following facilities within the project limits:

No.	Potential Conflict	Location / Comments	SWG Facility
1	Handrailing Posts	Adjust to maintain clearance	6" PE8100

Please be aware that if structures are to be installed underneath these existing SWG facilities, it is the contractor's responsibility to support and protect them in-place during construction. If exposed, SWG personnel will have to inspect the gas main to ensure there is no damage prior to re-shading. SWG requests the contractor use extreme caution when crossing or working near existing gas facilities located within the project limits.

SWG requires a stand-by when the contractor is working within 10 feet of all high pressure and 6" or greater diameter distribution gas facilities. The contractor must call (520) 794-6021 to schedule the stand-by a minimum of 24 hours in advance (see attached Excavator's Responsibilities).

SWG has a concern with the planting of trees in close proximity to gas facilities due to root intrusion. SWG requires all tree placements have a minimum 8-foot clearance from the tree center line to existing gas facilities. SWG will only allow shrubs and bushes to be planted in the 8-foot clearance zones.



SOUTHWEST GAS CORPORATION

All information is provided for reference use only and potholing and Blue Stake are suggested for the best accuracy. Please be aware that SWG requires a minimum **one-foot** separation from distribution facilities and is requesting **two-foot** clearance from proposed guard railing. SWG requests the contractor use caution when working in the vicinity of gas facilities.

SWG requests to be included on the distribution of future submittals and final plans in order to verify further if SWG facilities will be in conflict with proposed improvements. If you have any questions or require any additional information, please contact me at (520) 794-6234.

Very Respectfully,

A handwritten signature in black ink, appearing to read 'Hector Rivas Cabrera'.

Hector Rivas Cabrera
Engineer II
Southern Arizona Division
Hector.RivasCabrera@swgas.com



4350 East Irvington Road, Mailstop OH204
Tucson, AZ 85714

Jaime Reyes, PM I
Resource Management Team
Tucson Electric Power PFN # 6311700

Ofc: (520) 917-6642

February 15, 2021

Mr. Emem E.I. Akpan, ENV SP
333 East Wetmore Rd., Suite 450
Tucson, AZ 85705

SUBJECT: Mary Ann Cleveland Way – Shared-Use Path
COT Project Number: U-2019-013; Psomas Project Number 7TUS180106

Dear Mr. Akpan:

We have reviewed the 100% Final Plans for the subject project, and it appears there are no conflicts with TEP existing electric facilities. Please note the following comments:

- Manhole ring adjustments (Contact Gilbert Mendez at gmendez@tep.com).
- See attached Redline Maps.
- Contractor to protect in place all TEP equipment.
- Call for Bluestake when digging near or around TEP facilities.
- TEP's overhead protection will have to be notified anytime a pole is exposed more than 12" from grade or when getting within 10' of an overhead power line.
- Please require your contractor to access the sites below for overhead and underground protection requirements in advance of construction activity to assure they address all overhead and excavation protection need. Please see the attached contact sheet for additional information to share with the project Contractor.

Please maintain drivable access to TEP poles, equipment and facilities throughout the design and during construction. The relocation of TEP facilities such as underground feeder and 46kV and higher voltages is limited to TEP's off-peak season, October through April. TEP poles will remain in place until all other joint-use participants have transferred facilities from TEP poles. For the latest TEP Electric Service Requirements and Construction Standards, please visit our web site at <https://www.tep.com/Customer/Construction/ESR/>.

Please notify your contractor to contact Blue Stake for the location of existing electric facilities and to comply with Arizona Blue Stake law regarding safe approach distances and the protection of electrical facilities. Please contact **TEP directly at 520-917-2617** a minimum of 10 working days in advance to request overhead or excavation protection. Overhead excavation or protection is billable to the contractor. It is the contractor's responsibility to protect TEP facilities. If damage occurs, the total cost to repair those facilities will be billable to the contractor. For more information, Please have your contractor visit the TEP website at <https://www.tep.com/Resources/Safety/Overhead/>.

If you have any questions, please contact me at 520-917-6642.

Sincerely,

Jaime Reyes

Jaime Reyes
Public Improvement Project Manager I
Resource Management Team

Enclosure(s)
CC: Gilbert Mendez, Field Tech

October 20, 2020

Kevin Letendre, PE
Project Manager
PSOMAS
333 E. Wetmore Road, Suite 450
Tucson, AZ 85705



**Subject: Mary Ann Cleveland Way-Shared-Use Path
100% Plan Submittal
COT Project Number U-2019-013
PSOMAS Project Number 7TUS180106
TW Assignment Number: 11819**

Dear Mr. Letendre:

Thank you for the submittal of the above referenced project plans for Tucson Water (TW) Review. TW Distribution Design Section has reviewed the plans provided and offers the following comments:

Plan Sheets (13-24):

1. TW does have existing water facilities within the limits of the proposed improvements. However, due to the nature of proposed improvements, it is anticipated that there is no direct conflict between the proposed improvements and existing TW facilities.
2. TW anticipates the proposed improvements will cross or be parallel to existing water facilities but, it is anticipated that no existing water facilities will require relocation. It is anticipated that the proposed design by the Engineer and construction activities by the Contractor will be modified as necessary to avoid any direct conflicts with existing TW facilities. All existing TW facilities shall be protected in place unless, authorization is granted for relocation of TW facilities by preparing Water Modifications Plans.
3. The Tucson Water Valve Maps and occasionally the as-built drawings are schematic and/or do not necessarily reflect current existing field conditions. Therefore, it is recommended that the design Engineer field verify/locate surface features and pothole underground facilities at key locations in order to accurately depict facilities to provide for the protection and/or modification of water system facilities as applicable.
4. Any modification to City Of Tucson water system facilities must be done in accordance with Tucson Water requirements and have prior approval from Tucson Water. Water modification plans if required must be created in accordance with the Design Standards Illustrations (DSI), latest edition. The DSI can be found on the Tucson Water website at https://www.tucsonaz.gov/files/water/docs/DD_DSI_Jan_2020.pdf





5. TW recommends following general notes be added on the plan set:

- 1) The contractor shall be responsible for locating, preserving and protecting all existing water facilities during construction. The location of water facilities are representative only and may not reflect the actual locations.
- 2) Potholing and blue stake are suggested for best accuracy when locating existing water facilities.
- 3) Any damage to existing water facilities shall be the responsibility of the Contractor to repair and replace as required by Tucson Water.
- 4) In the event of any unforeseen impacts to TW facilities during construction or if TW facilities are damaged during construction, contact Tucson Water's emergency number immediately at 520-791-4133.
- 5) If potential conflicts are discovered in the course of design, please contact Tucson Water Distribution Design promptly at 520-837-2127 and submit plans for review at TW_DDPlanReview@tucsonaz.gov.

Since there are no apparent modifications to TW facilities, TW approval is not required, and a resubmittal is only necessary to show the requested notes to be added on plans, unless changes occur in the details or scope of work.

Please contact TW construction at (520) 791-2665 for pre-construction meeting and prior to commencement of construction to coordinate work.

For future correspondence regarding the subject project, please reference assignment number 11819 in all communications and submit future plans for review to TW_DDPlanReview@tucsonaz.gov

If you have any questions, please do not hesitate to contact me at (520) 837-2126 or via email at monica.acuna@tucsonaz.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Monica Acuna".

Monica Acuna, EIT
Senior Engineering Associate – Distribution Design
City of Tucson Water Department

CC: Jignesh Patel, P.E., Engineering Manager-Distribution Design, Tucson Water Department
Emem E.I. Akpan, ENV SP, PSOMAS



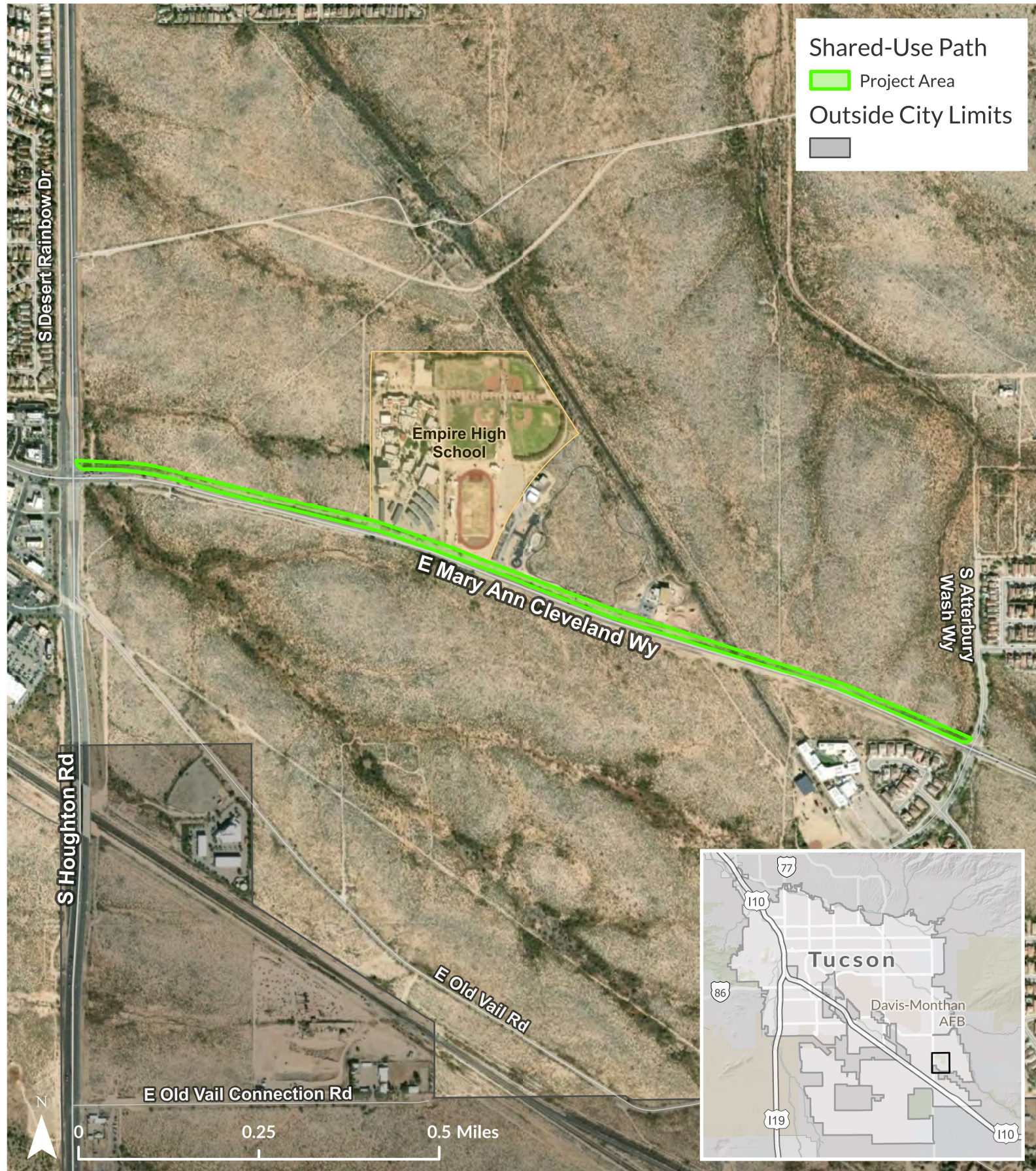
PROJECT LOCATION MAP

Sponsoring Agency: City of Tucson

Project Name: Mary Ann Cleveland Way Shared-Use Path

Project Location: Houghton Rd to Atterbury Wash, along north side of MAC Way

PAG TIP ID Number: 10.22 **FED ID TUC0274** **ADOT T0444**



TipID	RTAID	STREET/PROJECT NAME LOCATION	PROPOSED FUNDING (IN THOUSANDS OF DOLLARS)			
SponsorID	Length	PROJECT DESCRIPTION				
StateID	Existing Lanes	AQ STATUS	FISCAL YEAR			
FedID	After Lanes	TIP STATUS	2022	2023	2024	2025
		TOTAL COST	2026			

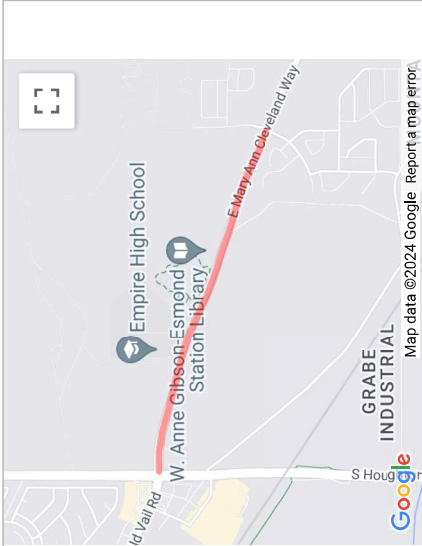
ITEM D

Existing Approval						
10.22	41 1.3	Mary Ann Cleveland Way Shared-Use Path Houghton Rd to Atterbury Wash, along north Design & construct new biking & walking path Exempt Active \$2,038	179 LOCAL D 179 TOTAL	570 LOCAL C 570 TOTAL	1030 FEDAID C 200 RTA C 1230 TOTAL	
Proposed Request						
10.22	41 1.3	Mary Ann Cleveland Way Shared-Use Path Houghton Rd to Atterbury Wash, along north Design & construct new biking & walking path Exempt Active \$2,038	179 LOCAL D 179 TOTAL		1030 FEDAID C 629 LOCAL C 200 RTA C 1859 TOTAL	
SPONSOR: Tucson		ACTION: Per sponsor request, moves FY 2023 Construction funding to FY 2024, and program additional Local funds.				

ALL Transportation Improvement Program, 24-07 Amendment 2024-20281 Projects Listed

ATTENTION: to better improve map loading, this page will scroll to the end and scroll back to top.

ADOT ID	103728	MPO/TIP	PAG 24-07	Local ID	10.22	Total Cost	\$2,038,000		
Lead Agency	City of Tucson	Contact	Dana Cherry 602-712-2132	ADOT Number	T044401D, T044401C	County	Pima		
Project Type	Bicycle and Pedestrian	Air Quality	Exempt	TCM		Construction	2024 start		
Project Name	Mary Ann Cleveland Way Shared-Use Path	Eng District	SC						
Route	N/A								
Project Limits	Mary Ann Cleveland Way from Houghton Rd to Atterbury Wash (1.3 mile)								
Description	Design and construct shared use path								
Phase	Fund Source	Prior	FY2024	FY2025	FY2026	FY2027	FY2028	Future	Total
DESIGN	Local Gov	\$179,000	-	-	-	-	-	-	\$179,000
		\$179,000	-	-	-	-	-	-	\$179,000
CON	Fed Earmark	-	\$1,030,000	-	-	-	-	-	\$1,030,000
CON	Local Gov	-	\$629,000	-	-	-	-	-	\$629,000
CON	PAG RTA Funds	-	\$200,000	-	-	-	-	-	\$200,000
	Total Construction	-	\$1,859,000	-	-	-	-	-	\$1,859,000
	Total Programmed	\$179,000	\$1,859,000	-	-	-	-	-	\$2,038,000



Version History

TIP Document	MPO Approval	State Approval	FHWA Approval	FTA Approval
23-02 Amendment	2023-2027	02/16/2023	03/13/2023	N/A
23-03 Amendment	2023-2027	03/23/2023	03/31/2023	N/A
24-00 Adoption	2024-2028	06/16/2023	06/16/23	12/01/2023
24-07 Amendment	2024-2028	01/30/2024	02/20/2024	02/29/2024

Current Change Reason

SCHEDULE / FUNDING / SCOPE - Add, delete, or change fund sources

Funding Change(s):

Total project cost increased from \$1,979,000 to \$2,038,000

CERTIFICATION ACCEPTANCE AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
CITY OF TUCSON

THIS AGREEMENT ("Agreement") is entered into by and between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION ("State") and CITY OF TUCSON ("City"). The State and City are collectively referred to as "Parties" or individually referred to as a "Party". Both the State and City are government agencies.

I. RECITALS

1. The Parties recognize the importance of a balanced, integrated, intermodal transportation system for the State of Arizona and understand the need for maximum flexibility in the use of federal funds to address the needs of all transportation modes.
2. The Parties acknowledge that transportation infrastructure projects play an essential role in the State's transportation system and preservation and maintenance of the transportation infrastructure protects the investments of the past and allows for economic development in the future.
3. The Parties recognize that stewardship is the efficient and effective management of public funds that have been entrusted to the Federal Highway Administration (FHWA) and oversight is the act of ensuring the Federal-aid Highway Program (FAHP) is delivered in accordance with applicable laws and regulations.
4. Title 23, Code of Federal Regulation (C.F.R.), Sections 1.11 and 635.105 allow a State to delegate certain activities, under supervision, to qualified local public agencies for FAHP projects under Certification Acceptance. Delegation is a privilege with responsibilities for both Parties and requires the Parties work in partnership.
5. According to 23 C.F.R. §§ 1.11 and 635.105, the State, as the supervising agency, maintains accountability to FHWA for FAHP projects under Certification Acceptance and is responsible for oversight that ensures projects are completed in compliance with federal and state laws and regulations and conformance with approved plans and specifications.
6. Full Certification Acceptance status includes the delegation of contract administration, development and design, construction administration, procurement of engineering or design-related services consultant, project inspection, and internal program evaluation to the City.
7. Partial Certification Acceptance status includes the delegation of contract administration, development and design, construction administration, project inspection, and internal program evaluation and further excludes the procurement of engineering or design-related services consultant on-call contracts.

8. The State retains responsibility for disadvantaged business enterprises, equal employment opportunity, on the job training, environmental processes, approval of final certification of right-of-way, proprietary item determinations, and project final acceptance.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

II. REQUIREMENTS

1. The City will:
 - a. Accept the delegated authority for Full Certification Acceptance status from the State for design, plans, specifications, estimates, contract awards, and inspections of FAHP projects.
 - b. Adhere to federal and state laws and regulations, responsibilities and requirements set forth by FHWA, and the *Arizona Department of Transportation Certification Acceptance Manual* (current and as it may be amended in compliance with federal requirements) when developing and delivering FAHP projects with continuous stewardship and oversight.
 - c. Perform delegated activities as outlined in the *Arizona Department of Transportation Certification Acceptance Manual* (current and as it may be amended in compliance with federal requirements).
 - i. Submit a detailed schedule as part of the initiation package submitted to ADOT for consideration. The detailed schedule must include the major milestone deliverables as defined by ADOT in the development schedule.
 - ii. Report any change in the initial developed schedule to ADOT no later than the last business day of each State Fiscal Quarter along with detailed reasons for the delay.
 - d. Cooperate with the State in the adoption of processes, procedures, and guidelines for selecting, developing, financing, constructing, and maintaining FAHP projects.
 - e. Have a compliant project development and delivery program, accounting controls, and a project inspection and internal program evaluation process in place for FAHP projects.
 - f. Ensure that the City's Designated Approval Authority reviews and approves FAHP projects.
 - g. Ensure a full-time employee of the City is in responsible charge of FAHP projects or obtain approval from the State before hiring a consultant to act in a management role for the City.
 - h. Assign to each FAHP project, a professional engineer registered in the State of Arizona, either on staff as a public employee or a contract employee designated as the City's Engineer.

- i. Have adequate, suitably equipped, and knowledgeable staff to undertake and complete the work satisfactorily on FAHP projects.
- j. Obtain any required State and FHWA reviews, concurrences, and approvals on FAHP projects.
- k. Obtain, keep, and maintain all books, papers, records, files, accounts, reports, bid documents with backup data, including electronic data, and all other materials relating to the FAHP contract and project.
- l. Ensure all FAHP contract and project documents are retained and made available for inspection by the State and FHWA during the plan development and construction stages and at least five years after the FHWA final voucher has been recorded. This requirement will survive the termination or expiration of this Agreement or any individual agreement under this Agreement.

2. The State will:

- a. Delegate authority, and does delegate authority by this Agreement, for Full Certification Acceptance status to the City for design, plans, specifications, estimates, contract awards, and inspections of FAHP projects.
- b. Communicate with FHWA regarding all aspects of the Certification Acceptance program and FAHP projects.
- c. Adhere to federal and state laws and regulations and the responsibilities and requirements set forth by FHWA, and the *Arizona Department of Transportation Certification Acceptance Manual* (current and as it may be amended in compliance with federal requirements) when developing and delivering FAHP projects with continuous stewardship and oversight.
- d. Maintain and update the *Arizona Department of Transportation Certification Acceptance Manual* (current and as it may be amended in compliance with federal requirements) and provide ongoing guidance to the City through the *Arizona Department of Transportation Certification Acceptance Manual* (current and as it may be amended in compliance with federal requirements), training, periodic reviews, and other related tools.
- e. Cooperate with the City in the adoption of processes, procedures, and guidelines for selecting, developing, financing, constructing, and maintaining FAHP projects.
- f. Have a Certification Acceptance program, accounting controls, and an oversight process in place for FAHP projects.
- g. Have adequate, suitably equipped, and knowledgeable staff to undertake and complete the work satisfactorily on FAHP projects.
- h. Provide any required State reviews, concurrences, and approvals and submit any requests to FHWA for required authorizations, reviews, concurrences, and approvals on FAHP projects.

- i. Conduct continuous oversight on the City's federal-aid programs and projects to ensure compliance with federal and state laws and regulations and conformance with approved plans and specifications.
- j. Deobligate the funding of a project upon the failure of the City to deliver the project according to the project detailed schedule in the initiation package. Subsequently, the City will have to compete in the following fiscal State year to get approval and obtain funding for the project.

III. MISCELLANEOUS PROVISIONS

1. This Agreement supersedes and replaces the 2019 Certification Acceptance Agreement and any subsequent amendments between the State and City.
2. This Agreement takes effect on the signature date of the FHWA Arizona Division Administrator, who signs this Agreement last.
3. The terms, conditions, and provisions of this Agreement will remain in full force and effect for five years.
4. This Agreement will govern all program and project-specific agreements between the State and City.
5. If a conflict exists between the terms, conditions, and provisions of this Agreement and any other agreement between the State and the City, this Agreement will govern and control.
6. Any modification to this Agreement will occur only with the mutual consent of both Parties.
7. This Agreement may be canceled at any time upon 30 days written notice to the other Party.
8. The State may terminate this Agreement upon the City's request or if in the opinion of the Arizona Department of Transportation Director the City lacks adequate staffing or performance. The rescission may be applied to all or part of the program or projects under the Certification Acceptance program.
9. In case of termination of this Agreement for any reason, the City will have a continuing obligation to comply with the terms of this Agreement until all requirements under this Agreement are completed.
10. This Agreement may be canceled in accordance with A.R.S. § 38-511.

IN WITNESS WHEREOF, the Parties, by execution of this Agreement, acknowledge that their signing representatives have read, understand, and agree to be bound by the terms, conditions, and provisions of this Agreement.

CITY OF TUCSON

By 
Regina Romero, Mayor

Date: August 7, 2024.

STATE OF ARIZONA
Department of Transportation

DocuSigned by:
By  8/22/2024
Greg Byres
Deputy Director for Transportation/
State Engineer

ATTEST:

By 
Suzanne Mesich, City Clerk

Date: August 7, 2024.

CONCUR:
FEDERAL HIGHWAY ADMINISTRATION
Arizona Division

Signed by:
By 
Anthony Sarhan
Acting Division Administrator

Date 8/23/2024

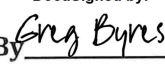
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Arizona Division

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By 
Anthony Sarhan
Acting Division Administrator

Date 8/23/2024

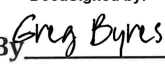
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CONCUR:
FEDERAL HIGHWAY ADMINISTRATION
Arizona Division

Signed by:

Anthony Sarhan
Acting Division Administrator

Date 8/23/2024

ADOT

CERTIFICATION ACCEPTANCE MANUAL

July 2024

THE MANUAL WILL BE UPDATED FOR RULES AND PROCEDURE CHANGES ANNUALLY. FOR MANUAL UPDATE REQUESTS, PLEASE VISIT:

<https://azdot.gov/business/programs-and-partnerships/local-public-agency/certification-acceptance>



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ACRONYMS

A.A.C.	Arizona Administrative Code
AASHTO	American Association of State Highway Transportation Officials
ADA	Americans with Disabilities Act
ADEQ	Arizona Department of Environmental Quality
ADOT	Arizona Department of Transportation
A.R.S.	Arizona Revised Statutes
AZPR2X	Federal-aid Authorization Form/Federal-Aid Project Agreement Form
BECO	Business Engagement Compliance Office
BABA	Build America Buy America Act
CA	Certification Acceptance
CGP	Construction General Permit
CE	Categorical Exclusion
C.F.R.	Code of Federal Regulations
CMAR	Construction Manager at Risk
CRO	Civil Rights Office
CUF	Commercially Useful Function
DBE	Disadvantaged Business Enterprise
DCR	Design Concept Report
EA	Environmental Assessment
ECS	Engineering Consultants Section
EEO	Equal Employment Opportunity
EIS	Environmental Impact Statement
EO	Executive Order
EPRISE	DBE Special Provisions
ER	Emergency Relief
FAHP	Federal-aid Highway Program
FAST Act	Fixing America's Surface Transportation Act
FHWA	Federal Highway Administration
FIT	Federal Improvement Type
HPAN	Highway Project Advancement Note
HSIP	Highway Safety Improvement Program
IGA	Intergovernmental Agreement
IIJA Act	Infrastructure Investment and Jobs Act
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
JPA	Joint Project Agreement
LPA	Local Public Agency
MAP-21	Moving Ahead for Progress in the 21st Century Act
MOU	Memorandum of Understanding
MPO	Metropolitan Planning Organization
NEPA	National Environmental Policy Act of 1969
NHS	National Highway System
NOI	Notice of Intent
NOT	Notice of Termination
NTP	Notice to Proceed
OJT	On the Job Training

OSHA	Occupational Safety and Health Administration
PA	Project Assessment
PDA	Project Development Administration
PI	Public Information
PIF	Public Interest Finding
PM	Project Manager
PPED	Period of Performance End Date
PPSD	Period of Performance Start Date
PS&E	Plans, Specifications, and Estimates
QA	Quality Assurance
ROW	Right-of-Way
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
SHPO	State Historic Preservation Office
SPCC	Spill Prevention, Control and Countermeasures
SRTS	Safe Routes to School
STIP	Statewide Transportation Improvement Program
SWPPP	Stormwater Pollution Prevention Plan
TAP	Transportation Alternatives Program
TEA-21	Transportation Equity Act of the 21st Century
TIP	Transportation Improvement Program
TMP	Transportation Management Plan
TO	Transportation Operations
TPAN	Transportation Project Advancement Notes
TTC	Temporary Traffic Control
USC	United State Code
USDOT	United States Department of Transportation

100.00 GENERAL ADMINISTRATION

100.10 CERTIFICATION ACCEPTANCE

The Federal-aid Highway Program (FAHP) is a federally-assisted program of state-selected transportation projects on the Federal-aid System. The following legislation provides the Federal Highway Administration (FHWA) flexibility in delegating certain FAHP and project-level responsibilities to the State:

- Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)
- Transportation Equity Act for the 21st Century (TEA-21)
- Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)
- Moving Ahead for Progress in the 21st Century Act (MAP-21)
- Fixing America's Surface Transportation Act (FAST Act)
- Infrastructure Investment and Jobs Act (IIJA Act)

Title 23, United States Code (U.S.C.), Section 103 describes the Federal-aid System as the National Highway System (NHS), which is a network of approximately 160,000 miles (256,000 kilometers) of highways that are important to the nation's economy, defense, and mobility. The NHS includes the Interstate System, principal arterials serving major travel destinations, highways that provide an important function for national defense, and highways that provide connections to other intermodal transportation facilities, such as airports and seaports.

According to 23 U.S.C. § 106(c), States can assume the responsibility of the Secretary of Transportation. 23 U.S.C. § 106(c)(1) and (2) state that:

- Non-interstate NHS projects – For projects under this title that are on the National Highway System but not on the Interstate System, the State may assume the responsibilities of the Secretary under this title for design, plans, specification, estimates, contract awards, and inspections of projects unless the State or the Secretary determines that such assumption is not appropriate.
- Non-NHS projects – For projects under this title that are not on the National Highway System, the State shall assume the responsibilities of the Secretary under this title for design, plans, specifications, estimates, contract awards, and inspection of projects unless the State determines that such assumption is not appropriate.

23 U.S.C. § 106(c)(3) requires that the Arizona Department of Transportation (ADOT) and FHWA enter into an agreement outlining the responsibilities ADOT assumes from the Secretary. *The FHWA and ADOT Stewardship and Oversight Agreement for Arizona* includes information on project approvals and related responsibilities and FHWA's oversight of the FAHP, as required by 23 U.S.C. § 106(g). ADOT and FHWA work collaboratively to manage the FAHP and review, monitor, and approve activities as necessary in the designated areas of responsibility to comply with applicable laws, regulations, directives, and standards.

In accordance with Title 23, Code of Federal Regulations (C.F.R.), Sections 1.11 and 635.105, ADOT may delegate certain activities, under supervision, to local public agencies (LPAs) for FAHP projects under 23 U.S.C. § 117, Certification Acceptance (CA). As the supervising agency, ADOT may impose requirements that are more stringent than federal requirements.

Because 23 C.F.R. § 1.11 and § 635.105 do not recognize LPAs as direct recipients of federal-aid funds, ADOT, as the supervising agency, retains responsibilities of the Secretary when LPAs construct FAHP projects. ADOT provides oversight to ensure the LPAs comply with federal-aid requirements on FAHP projects and complete the projects in conformance with approved plans, specifications, and estimates (PS&E). FHWA works in partnership with ADOT to ensure LPAs comply with federal-aid requirements on FAHP projects.

FHWA delegates certain responsibilities to ADOT through a formal stewardship and oversight agreement. In turn, ADOT delegates certain responsibilities to the LPAs using a fully executed CA Agreement. The CA Agreement requires the CA Agency to adhere to the most current version of the CA Manual for delivering the FAHP in compliance with federal and state laws and regulations and managing federal-aid funds effectively and efficiently.

The FAHP supports State highway systems by providing financial assistance for the construction, maintenance and operations of the Nation's 3.9 million-mile highway network, including the interstate Highway System, primary highways and secondary local roads. FHWA is tasked with implementing the FAHP in cooperation with the State and local government.

Intent and Purpose of the Certification Acceptance Manual

The intent and purpose of the CA Manual is to document the roles and responsibilities of the CA Agency, ADOT, and FHWA and provide procedural guidance with respect to delivery, oversight, and stewardship of the FAHP.

Scope of the Certification Acceptance Manual

The CA Manual applies to the following projects that fall within the CA Agency's jurisdiction:

- NHS projects off the Interstate System
- NHS projects off the State Highway System unless a designated major or principal arterial
- Non-NHS project

The CA Manual covers the typical project delivery methods for Design-Bid-Build. The CA Agency may use alternative delivery methods, such as Design Build or Construction Manager at Risk (CMAR) as long as the CA Agency obtains prior ADOT concurrence and FHWA approval on specific projects.

Project Development and Delivery Program

To demonstrate that the CA Agency has a compliant project development and delivery program, accounting controls, and a project inspection and internal program evaluation process for FAHP projects on and off the NHS, the CA Agency must have the following written procedures:

- Procurement (Consultant and Materials and/or Install)
- Roadway Design (Pavement Design Manual, Design Exceptions, Design Guidelines)
- Materials (Quality Assurance [QA])
- Right-of-Way (ROW)
- Civil Rights (Title VI, Americans with Disabilities Act [ADA])
- Disadvantaged Business Enterprise [DBE]
- Project Delivery Manual
- Internal Operations (Staffing, Communication, Training)
- Bid Analysis and Award
- Subcontractor Approval
- Performance Measures (Finance, Audit, Oversight, Reporting)

The ADOT LPA Section will keep a copy of the CA Agency's written procedures for the record.

The CA Agency must have a process for updating the written procedures in compliance with federal and state laws and regulations. The CA Agency must review the written procedures annually and update accordingly. ADOT will review any revisions to the CA Agency's written procedures. In accordance with 23 C.F.R. § 172.9, ADOT will approve any revisions to the CA Agency's procurement procedures. The CA Agency must provide the ADOT LPA Section with an updated copy of its written procedures for the record.

ADOT will continually assess whether the CA Agency has an adequate project development and delivery program, accounting controls, and quality control process to manage projects and deliver the FAHP. The State will deobligate the funding of a project upon the failure of the CA Agency to deliver the project according to the project detailed schedule in the initiation package. Subsequently, the CA Agency will have to compete in the following fiscal State year to get approval and obtain funding for the project.

Project Deferment

CA Agencies are responsible for delivering FAHP projects in a timely manner and must ensure when programming that the project can be delivered as required. ADOT will monitor the project delivery cycle to determine if the deferment process is being misused. If the project deferment process is determined to be misused this will lead to corrective action which may result in the loss of federal funding.

When seeking deferment, the CA must inform the ADOT PM, and the COG or MPO partner (if required). A cause for the deferment must be identified and submitted with the deferment request.

Designated Personnel

In accordance with 23 C.F.R. § 635.105(c)(3), the CA Agency must be adequately staffed and equipped to perform necessary work efficiently and cost effectively, including the supervision and training of staff. The CA Agency must identify the following designated qualified personnel:

- Designated Approval Authority
- CA Liaison
- Responsible Charge
- ADA Coordinator
- DBE Liaison
- ROW Agent
- Title VI Coordinator

The CA Agency must ensure the duties associated with the designated qualified personnel are maintained at all times. In the event of a change in personnel, the CA Agency must reassign those duties immediately, so no lapse occurs. The CA Agency must notify the ADOT LPA Section Manager (with a cc to the ADOT LPA Process Manager) in writing of the CA Agency's plan to reassign the duties to existing staff or fill the vacated position. The following information must be provided:

- Name of the departing personnel
- Date of departure
- Name of replacement (interim or permanent)
- Title and contact information
- Date replacement assumed the role

If a designated position cannot be filled, then the responsibility of the role will revert back to ADOT.

Communication Protocol

The CA Agency must send agency communication to ADOT. ADOT will manage all communications with FHWA. The CA Agency must refrain from contacting FHWA directly. If the CA Agency needs to meet with FHWA, ADOT will arrange a meeting.

Program Issue Resolution

For program-specific issues, the CA Liaison or CA Agency designee must work with the ADOT LPA Section Process Manager or designee, who will work with the appropriate technical team. If an issue cannot be resolved at the lowest level, then the parties need to use the CA Agency's program-specific issue resolution matrix to resolve the issue promptly.

Project Issue Resolution

For project-specific issues, the designated CA Agency personnel must work with the ADOT Project Manager (PM) or designee. If an issue cannot be resolved at the lowest level, then the parties need to use the CA Agency's project-specific issue resolution matrix to resolve the issue promptly.

100.20 FINANCIAL ADMINISTRATION

In accordance with 2 C.F.R. § 200.303, the CA Agency must establish and maintain effective internal financial and accounting controls over FHWA awards and ensure federal-aid funds are being managed in compliance with federal and state laws and regulations.

Before incurring any costs for which reimbursement will be sought, the CA Agency must submit a letter to the ADOT PM requesting federal authorization (preliminary engineering/design, ROW, utility, construction). Eligible project costs incurred by the CA Agency are eligible for federal reimbursement only after the date of federal authorization by FHWA, as documented on the Federal-Aid Project Agreement form. FHWA will not reimburse any costs incurred before the date of federal authorization.

Mandatory Disclosures and Conflict of Interest

In accordance with 2 C.F.R. § 200.113, the CA Agency must disclose to the ADOT LPA Section in writing all violations of Federal criminal law that involve fraud, bribery, or gratuity violations potentially affecting the Federal award. Any potential conflicts of interest that arise and may affect FHWA awards, must also be disclosed in writing by the CA Agency, in accordance with 2 C.F.R. § 200.112. The CA Agency must establish internal procedures to meet these requirements.

Reimbursement

The FAHP provides funding through federal reimbursement. ADOT bears no financial responsibility for CA-administered FAHP projects. The CA Agency must bear all costs not eligible for federal reimbursement.

The CA Agency must submit all requests for federal reimbursement to the ADOT PM for verification. In accordance with 2 C.F.R. § 200.302(b)(3), the reimbursement request will contain proper documentation supporting the payment of eligible expenses.

Inactive Projects

An inactive project is a project that has not had billing activity within the established timeframes set by ADOT and FHWA. The established timeframes are from the date of last billing activity. FHWA's timeframes are subject to change and ADOT's timelines would adjust accordingly. The timeframes are as follows:

- 150 calendar days – Projects are first identified on the ADOT Potential Inactive Project report. ADOT will communicate this to the CA Agency
- 180 calendar days – Projects are considered inactive by ADOT
- 270 calendar days – Projects authorized for greater than \$50,000 with no expenditures within the first nine months of federal authorization are considered inactive by FHWA
- 270 calendar days – Projects that have unexpended federal-aid funds and have an available balance greater than \$150,000 are considered inactive by FHWA

Inactive projects may be subject to deobligation and cancellation. This may result in the CA Agency absorbing all project costs and potentially having to repay any federal-aid funds already reimbursed. Projects that do not show billing activity against the obligated funds at least quarterly run the risk of increased ADOT and FHWA scrutiny as potentially inactive projects. When the CA Agency has not submitted a reimbursement request within six months, the CA Agency must provide sufficient justification

for the obligated funding and explanation for the delay. Any deobligated funds from an inactive project will be returned to the Metropolitan Planning Organization (MPO) or ADOT, as applicable, for reprogramming.

Period of Performance

2 C.F.R § 200 mandates project Period of Performance start and end dates (PPSD – Period of Performance Start Date and PPED – Period of Performance End Date) be established for each project. Costs will only be incurred within the period of performance. After the PPED, no additional costs can be incurred and claimed for federal reimbursement. All costs, including auditing and project closeout, should be accounted for during the establishment of the PPED.

The PPED is reflected in all federal actions, including new project authorizations and modifications to previously authorized projects. The CA Agency must establish a PPED for the first phase authorized on a project (design, ROW, utility or construction). The PPED can then be adjusted to reflect subsequent project phases, when applicable. The PPED should be established to allow enough time for the CA Agency staff to complete a final reconciliation of costs and be reimbursed for all eligible expenditures. The PPED should not include the time required for ADOT to complete the final voucher process.

At the time of federal authorization, FHWA will ensure the estimated period of performance is in line with ADOT procedures and project schedules. ADOT will notify the CA agency of any change to the project end date. For PPED modifications, the CA Agency must provide written justification to the ADOT PM on a PPED Extension Form with sufficient information for FHWA to consider the request.

The CA Agency must provide the ADOT PM written notice of the start and end dates for construction, prior to the preconstruction meeting and monthly schedule updates ensuring the project does not exceed the approved PPED. The update will include the project name, federal and state project numbers, actual start time, days contract used, bid amount/earned to date, percent complete/time. ADOT will share this information with FHWA.

When the CA Agency identifies the need to request an extension to the PPED, the CA Agency must notify ADOT immediately or 90 days prior to the Project End Date, whichever is sooner by completing the PPED Form. The completed form must include the reason for the extension with the proposed Period of Performance End Date. The PPED Form can be found on the ADOT Local Public Agency website. Submit the PPED Form to ADOT Resource Administration with a copy to the ADOT PM. Incomplete forms will not be processed. Any expenditures after the Project End Date are not federally reimbursable and are therefore the responsibility of the CA Agency. Requests must be submitted individually as requests cannot be combined for multiple federal/ADOT projects. Once approved by FHWA, the ADOT PM will notify the CA agency. ADOT has developed an Standard Operating Procedure (SOP) for PPED that can be found on our Local Public Agency website.

Effective November 12, 2020 per 2 C.F.R. § 200.344, ADOT must submit to FHWA, no later than 120 days after the PPED, all financial, performance, and other reports (e.g. Final Voucher) as required by the terms and conditions of Federal Award.

100.30 CONTRACT ADMINISTRATION**Intergovernmental Agreements (IGAs)**

The CA Agency must enter into an intergovernmental agreement (IGA) with ADOT when:

- A project type or activity is not covered by the CA Manual, such as Design Build or CMAR
- A project impacts an ADOT facility
- A project exceeds \$10 million in federal-aid funding total project costs and is authorized as Advance Construction (This also requires a tri-party agreement with the Metropolitan Planning Organization [MPO])
- A project is funded with either Highway Project Advancement Notes (HPAN) or Transportation Project Advancement Notes (TPAN)
- A project is funded by Railroad Section 130 funds
- Using an ADOT-administered on-call contract
- Maintenance activities intersect with ADOT's ROW
- Deemed applicable

Note: If a CA agency project impacts another CA agency facility requiring an IGA, then the CA agency must make the IGA available to ADOT by request.

When ADOT receives the CA Agency's executed IGA, federal-aid funds may be authorized.

Claims

The CA Agency must process any dispute or claim not involving a question of law during the contract performance in compliance with 23 C.F.R. § 635.124(b) and 23 C.F.R. Part 140, Subpart E. The CA Agency must provide the ADOT PM and ADOT LPA Section written notice immediately of any contract claim or issue under dispute and must keep ADOT informed throughout the settlement process. The CA Agency must bear the costs unless approved for reimbursement or partial reimbursement by ADOT. The CA Agency must notify the ADOT PM of proposed settlement offers before sending the offer to the contractor. The CA Agency must settle all claims before final acceptance.

The CA Agency must report all active claims on CA-administered FAHP projects to the ADOT PM, so the claims can be included in the quarterly claims report that ADOT submits to FHWA. If an extension is required, then see Period of Performance section for PPED extension form information.

Termination of a Contract

The CA Agency must comply with 23 C.F.R. § 635.125. In accordance with 23 C.F.R. § 635.125(a), the CA Agency must ensure all contracts contain suitable contract provisions for termination by the CA Agency, including the manner by which the termination will be effective and basis for settlement, conditions where the contract may be terminated for default, and conditions where the contract may be terminated due to circumstances beyond the contractor's control.

Before terminating a federal-aid contract, the CA Agency must contact the ADOT PM to receive ADOT concurrence. ADOT will notify FHWA when a contract is to be terminated and determine whether contract termination costs, including final settlement, are eligible for federal reimbursement.

Equal Employment Opportunity

In accordance with 23 C.F.R. Part 230, Subpart A, the ADOT Business Engagement Compliance Office (BECO) will conduct periodic Equal Employment Opportunity (EEO) compliance reviews on CA-administered FAHP projects. The CA Agency must coordinate with ADOT BECO at every stage of the review process to ensure the contractor complies with 23 C.F.R. Part 230.

In accordance with 23 U.S.C. § 140(a) and 23 C.F.R. Part 230, Subpart A, the CA Agency must submit a Federal-Aid Highway Construction Contractors Annual EEO Report (Form FHWA-1391) for each active contractor or subcontractor, regardless of tier level, with a contract or subcontract of \$10,000 or more. The CA Agency must submit the report to ADOT BECO every year by August 15.

Disadvantaged Business Enterprise

49 C.F.R. Part 26 removes barriers to participation and creates a level playing field for the participation of DBEs. This federal regulation provides the requirements for how to implement the Federal DBE Program, a program of the United States Department of Transportation (USDOT). ADOT developed and implemented an *ADOT FHWA DBE Program Plan*. The CA Agency must adhere to this plan to be eligible for federal reimbursement.

The federal DBE Program is designed to:

- Ensure nondiscrimination in the award and administration of USDOT-assisted contracts
- Create a "level playing field" in which those firms can compete fairly for USDOT-funded contracts
- Remedy past and current discrimination against disadvantaged business enterprises

Before project advertisement, the CA Agency must submit the DBE Goal Setting Worksheet to ADOT BECO to obtain a DBE contract goal. The CA Agency must ensure the advertisement and contract contain the required DBE goal percentage and DBE contract language for engineering and design-related services or the ADOT DBE Special Provisions (EPRISE) for construction projects as mandated by the *ADOT FHWA DBE Program Plan*. Only BECO can set the DBE goal for an FAHP project. Inclusion of a local goal will cause the project to be ineligible for federal reimbursement.

In accordance with the *ADOT FHWA DBE Program Plan*, when there is a DBE contract goal, BECO will determine whether a bidder/offeror has met the DBE goal or has documented sufficient good faith effort to be considered for the award. The CA Agency must provide the ADOT PM and BECO written notice immediately following bid opening if the apparent low bidder indicates on the DBE Assurance Form that it cannot meet the DBE goal.

Following bid opening, the CA Agency must submit to BECO the DBE Assurance Form and DBE intended participation affidavits from the apparent low bidder, bidders' list from all bidders, and if applicable, good faith effort documentation or any other documents required by the *ADOT FHWA DBE Program Plan*. The CA Agency cannot award a contract without BECO concurrence.

For contracts with a DBE goal, the contractor's DBE commitment made at the time of bid is a condition of contract award. The CA Agency must notify BECO as soon as the CA Agency is aware of any potential issues that may affect DBE commitments made at time of award. If the contractor and/or DBE is/are unable or unwilling to fulfill the commitment, in compliance with 49 C.F.R. Part 26 for the duration of the contract, the CA Agency must receive written concurrence from BECO before a committed DBE's termination, substitution, or reduction of work.

Failure to carry out the DBE Program requirements can result in withdrawal of federal funding from the FAHP project. When ADOT notifies the CA Agency of its failure to carry out the DBE Plan, ADOT will impose sanctions, which may include measures that affect CA status and the CA Agency's ability to receive federal funding

On the Job Training

ADOT BECO will assess an On the Job Training (OJT) goal at the time of the DBE goal assessment in accordance with the ADOT OJT Program requirements. The CA Agency must include the OJT Special Provisions provided by ADOT BECO in contracts with OJT goals and monitor those contracts to ensure contractor compliance with OJT provisions.

100.40 PROJECT INSPECTIONS AND PROGRAM EVALUATION

The CA Agency's project inspection and program evaluation plan details the activities for monitoring performance and resolving issues over time. The CA Agency monitoring activities must cover the life cycle of the project, from design through construction, to determine whether the project is on time, within budget and scope, complies with federal and state requirements, and conforms to approved plans and specifications.

For FAHP projects, ADOT and FHWA has sole discretion to inspect CA Agency, contractor, and subcontractor documents (to include read only access to program software, when applicable) and visit the construction site to verify the project is on time and within budget and scope, complies with federal and state requirements, and conforms to approved plans and specifications. ADOT will provide notice to the CA Agency if a CA Agency representative is required. If the CA Agency is unable to produce the required information at the time of request, ADOT will assume the action was not performed or properly recorded.

Annual Reporting

In accordance with *The FHWA and ADOT Stewardship and Oversight Agreement for Arizona*, ADOT will provide FHWA with an annual Oversight and Monitoring Report summarizing the CA Agency's performance based on ADOT's program and project reviews and the CA Agency's internal reviews.

The CA Agency must submit an annual report to the ADOT LPA Section no later than October 31 of each year, documenting compliance efforts in delivering the FAHP. The annual report will summarize the CA Agency's accomplishments, program status, audits, independent project reviews, and any corrective action plans requiring implementation by the CA Agency. This information will be shared with FHWA through ADOT's Oversight and Monitoring Report.

Single Audits

The CA Agency must establish and maintain effective internal controls over FHWA awards to provide substantial assurance that federal-aid funds are being managed in compliance with federal and state laws and regulations. The CA Agency must have a Single Audit conducted annually, conforming to the specific requirements set forth in the Single Audit Act Amendments of 1996 and 2 C.F.R. Part 200, Subpart F. The CA Agency must submit the Single Audit to ADOT no later than nine months after the CA Agency's fiscal year end.

Independent Project Reviews

The CA Agency must conduct project reviews in specific areas outlined below with personnel familiar with FAHP project requirements and who are not involved in the project's administration.

- Contract Administration
- Construction Administration
- Environmental Commitments
- ROW
- Utilities
- Materials
- Davis-Bacon Act
- DBE
- Civil Rights
- Financial Administration
- Other

The CA Agency must maintain project review records and take corrective action on any findings.

Records Retention

In accordance with A.R.S. § 35-214, the CA Agency must maintain project records for at least five years after the FHWA final voucher payment has been recorded. ADOT will provide the final voucher date for each project in a 3rd party letter to the appropriate CA Liaison.

The CA Agency must ensure the project file is complete, readily available, organized, and kept in a manner that allows for review by ADOT and FHWA during project inspection or review. Maintaining proper content and organization of the project file serves as an indicator of effective and efficient project management as required. If the CA Agency is unable to produce the required information at the time of request, ADOT will assume the action was not performed or properly recorded.

Corrective Action

In accordance with the *ADOT Local Public Agency Oversight and Monitoring Operational Plan*, the ADOT LPA Section will conduct performance reviews of CA-administered FAHP programs and projects to ensure compliance with federal and state laws and regulations.

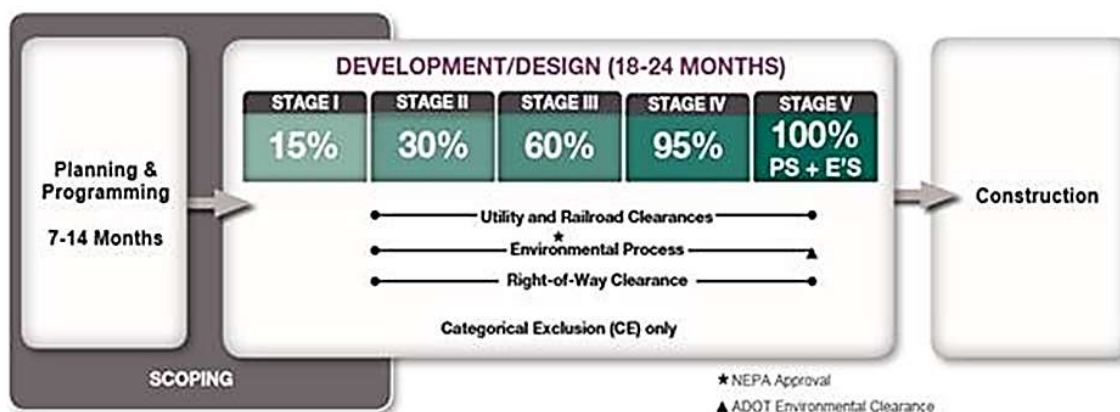
When ADOT's reviews of the CA Agency are poor or a single incident requires corrective action, the ADOT LPA Section will notify the CA Agency in writing of unsatisfactory performance. ADOT may take further action if the CA Agency continues to perform poorly, repeats offenses, or is unresponsive. ADOT can terminate the CA Agreement for lack of adequate staffing and performance.

200.00 PROJECT DEVELOPMENT PROCESS

200.10 PROJECT DEVELOPMENT PROCESS ILLUSTRATED

The CA Agency must deliver FAHP projects using a similar process as the ADOT project development process, illustrated in Figure 1. The timelines listed in Figure 1 are only estimates based on the reality of delivering FAHP projects. The design stage completion percentages for each CA Agency may vary slightly from ADOT's completion percentages.

FIGURE 1



200.20 PLANNING/PROGRAMMING**Pre-planning**

Through pre-planning activities, the CA Agency evaluates potential issues and opportunities to identify projects that should move forward. Pre-planning considers:

- Type of work
- Project location
- Environmental issues
- ROW needs
- Utility issues
- Constructability issues
- Project schedule
- Cost analysis
- Funding source
- Other issues

As part of the MPO project application process, the CA Agency provides project information to the MPO to confirm funding-source eligibility.

Eligibility

All federal-aid funding programs, such as the Highway Safety Improvement Program (HSIP), Transportation Alternatives Program (TAP), and Safe Routes to School (SRTS), require projects to obtain eligibility of federal-aid funding before programming. The CA Agency can contact ADOT for information on specific eligibility requirements. The CA Agency must submit an application to the program. ADOT and FHWA will complete the eligibility determination prior to award by the State Transportation Board. Upon award, ADOT will provide the CA Agency with an eligibility determination letter. For the details on the HSIP program, please see the Arizona Highway Improvement Program Manual on the ADOT LPA website under Related Documents and Sites.

Programming

The CA Agency must coordinate with the MPO to program the project in the MPO Transportation Improvement Program (TIP). The CA Agency must provide project information to the MPO, so the project can proceed through the MPO's competitive prioritization process for programming in the MPO TIP. If the funding has been awarded by the State Transportation Board, the CA Agency must provide the eligibility letter to the MPO. The MPO TIP needs to show a separate line item for federal aid for each project task (i.e., design, ROW, utilities, and construction).

The MPO will submit the MPO TIP to ADOT for review and inclusion in the Statewide Transportation Improvement Program (STIP) that FHWA reviews and approves. FHWA authorizes federal-aid funding for a CA-administered FAHP project only if the project is programmed in the MPO TIP and STIP.

200.30 PROJECT INITIATION

When the project is in the MPO's TIP and STIP, the CA Agency must request project initiation, a federal project number, and an ADOT project number from the ADOT LPA Section before the project development process begins. The request includes:

- LPA Project Initiation Letter
- LPA Project Information Form
- A legible copy of the MPO's TIP page, showing a fully funded project, project name, and location per FHWA guidelines.
- Project Scoping Documentation that shows the scope, schedule, budget for the project. This can be a Project Assessment (PA), Design Concept Report (DCR), or a scoping letter.
- Supporting documentation such as program eligibility letter and application.
- ADOT Functional Classification Map
- Project Location Map (including project starting and ending termini)

The schedule of major milestones includes the dates for the project initiation letter, project start-up or kickoff, National Environmental Policy Act of 1969 (NEPA) approval, ROW, utility, and railroad clearances, construction package, federal authorization for construction, bid advertisement, and bid award, and project completion date. If applicable, the schedule may include dates for pre-planning, federal authorization for preliminary engineering, design stages I, II, III, and IV, Pavement Design Memo, and final PS&E. The CA Agency must notify the ADOT PM and ADOT LPA Section of changes to the initial developed schedule no later than the last business day of each State Fiscal Quarter along with detailed reasons for the delay. ADOT has developed a Standard Operating Procedure (SOP) for CA Updates to Schedule of ADOT Defined Milestones that can be found on our Local Public Agency website.

Copies of the approved portions of the MPO TIP and STIP concerning the project must show all funding sources, including the federal-aid funding source and year of programming.

ADOT will provide a federal project number and an ADOT project number. The ADOT environmental planner assigned to a project will be listed on the Project Establishment Letter provided by ADOT along with the PM assigned.

ADOT Project Development Administration (PDA) Fees

The CA Agency must pay ADOT PDA fees for required work completed by ADOT staff in the delivery of FAHP projects. The ADOT PDA fee is an estimated amount that can vary depending on the type and complexity of a project. Currently, the presumptive amount is a minimum of \$10,000. The fee funds the following ADOT work activities, which may vary depending on the type and complexity of the project:

- Project Management and Coordination
- Environmental Document Review
- ROW Activities

When the CA Agency initiates a project with the ADOT LPA Section, ADOT will send the CA Agency an invoice for the ADOT PDA fee before federal authorization of the project. The CA Agency must submit payment within 30 days of receipt of the invoice. When ADOT receives payment, project management and coordination can begin. During the project lifecycle, the ADOT PM will manage the ADOT PDA budget and notify the CA Agency if the budget needs to be increased. ADOT will bill the CA Agency in increments of \$5,000 for additional PDA fees until project construction starts. When the project has been completed and closed, ADOT will return any remaining funds in the PDA budget to the CA Agency.

200.40 DEVELOPMENT/DESIGN**Authorization**

FHWA will not reimburse any costs incurred before the date of federal authorization. Federal authorization for design covers the scoping document, NEPA documentation, and preliminary and final design activities. ROW and construction require subsequent federal authorizations separate from design.

The CA Agency must submit a written request for federal authorization for design on a project to the ADOT PM and receive authorization before starting any work associated with the project tasks eligible for federal reimbursement for design. This request is to be submitted to ADOT when the work is “ready to proceed”, which, it is recommended, typically within 90 days. The request includes the project end date for design in accordance with 2 C.F.R. § 200.211, after which no further charges will be eligible for reimbursement. FHWA will send an email, which serves as an official authorization, to ADOT, indicating a date of authorization and the corresponding funding amount. The ADOT PM will then forward this email to the CA Agency to serve as their Notice to Proceed (NTP) date. When the ADOT PM receives a copy of the Federal-Aid Project Agreement from Resource Administration, which includes ADOT’s and FHWA’s electronic signatures, the ADOT PM will provide a copy to the CA Agency.

It is expected that the CA Agency will have a copy of the FHWA authorization email, the Federal-Aid Project Agreement, FMISD05A (for PE authorizations) and FMISD06A (for construction authorization), in their files as soon as the documents are provided by the ADOT PM. If the CA Agency does not receive a copy of the required documents, the CA Agency must request them from the ADOT PM for their records.

Procurement of an Engineering or Design-related Services Consultant

For FAHP projects, a CA Agency’s professional service contract procurement and administration process must be an approved qualification-based selection process, requiring the consultant to provide financial information demonstrating the firm’s financial viability and compliant accounting system that complies with federal acquisition regulations. The CA Agency must use either ADOT’s list of prequalified consultants available through ADOT ECS or its own list from an ADOT-approved prequalification process. A pre-qualified firm does not represent or guarantee an award of a contract.

When using federal funds for FAHP projects, the CA Agency must adhere to federal and state laws and regulations, including the Brooks Act (40 U.S.C. §§ 1101 through 1104), 23 U.S.C. § 112, 23 U.S.C. § 117, 2 C.F.R. Part 200, 23 C.F.R. Part 172, 48 C.F.R. Chapter 12, and 49 C.F.R. Part 26 during the selection, negotiation, and management of design contracts.

According to 23 U.S.C. § 112(b)(2)(D) and (E), the CA Agency must ensure the contract and subcontracts are performed and audited according to the cost principles contained in 48 C.F.R. Part 31. The CA Agency must conduct a final/incurred cost audit to determine contract cost allowability, allocability, and reasonableness.

For a CA Agency to use an on-call contract procurement method, the CA Agency must receive a certification from ADOT of the CA Agency’s on-call contract administration and procurement procedures before advertising. If the CA Agency needs to deviate from the approved procedures, the CA Agency must submit a request with justification to the ADOT LPA Section for ADOT approval before the procurement of on-call services. ADOT’s on-call contracts are not available for use by other agencies.

Design Advertisement

The CA Agency must administer the solicitation and contract award in compliance with 23 U.S.C. § 112, 23 C.F.R. Part 172, and ADOT-approved procurement procedures.

Project Meetings (Development/Design)

The CA Agency must schedule and participate in project meetings for FAHP projects. The CA Agency must notify the ADOT PM in advance of the kick-off meeting and include the ADOT PM in the distribution of the meeting materials, notes, and documentation of engineering decisions.

Scoping Document

The CA Agency must determine and prepare the proper scoping document (i.e scoping letter, PA, or DCR) commensurate with the level of effort for each project. The scoping document refines the scope and further evaluates the total project cost, schedule, and potential design and construction alternatives, including an assessment of the clearance and permit needs identified during pre-planning. In conjunction with the preliminary scoping document, supporting technical reports (i.e., geotechnical, drainage, traffic analysis, etc.) may be required when appropriate.

Typically, the scoping document and supporting technical reports provide detailed information on the following topics:

- Construction cost estimates
- Construction feasibility issues
- Current site characteristics
- Environmental considerations
- Geotechnical considerations
- Hydrologic and drainage conditions
- ROW Information/Land ownership
- Major project components
- Material source and supply
- Potential design alternatives
- Potential project footprint
- Traffic analysis
- Utility and railroad coordination
- Purpose of project
- Background
- Project Scope of Work
- Development Considerations
- Involvement Matrix
- Construction Schedule/Duration

The CA Agency must submit the scoping document, supporting technical reports, and the accompanying design plans to the ADOT PM and Environmental Planning for review.

The CA Agency Responsible Charge must approve the final scoping document and ensure a professional engineer or landscape architect registered in the State of Arizona signs and seals the final scoping document.

Scoping Changes

If the scope of work for the project changes at any time during project development, the CA Agency may need to prepare an amendment to the MPO TIP and STIP. If an amendment is needed, the CA Agency must notify the ADOT PM and ADOT LPA Section and contact the MPO representative for instructions on how to submit amendments to the MPO TIP and STIP.

Design Phases

The project development process is segmented into stages that follow a standardized design progression. The CA Agency must define a phased program for completing FAHP projects or follow ADOT's phased program, as defined in the *ADOT Dictionary of Standardized Work Tasks*.

Design Criteria

NHS Projects

As specified in 23 U.S.C. § 109(c), FHWA has adopted design standards for the NHS, which are listed in 23 C.F.R. § 625.4 and 49 C.F.R. § 37.9. Regardless of the funding source for the project, the CA Agency must comply with the FHWA-adopted design standards for all projects on the NHS, as well as FAST ACT Section 1404 (b), Design Standard Flexibility, notwithstanding 23 U.S.C. § 109(o), for additional flexibility in design standards

Non-NHS Projects

In accordance with 23 C.F.R. 625.3(a)(2), FAHP projects not on the NHS are to be designed, constructed, operated, and maintained in accordance with State laws, regulations, directives, safety standards, design standards, and construction standards. For projects within the right-of-way of the State Highway System (SHS), but not on the NHS, ADOT's Design Guidelines shall be used.

ADOT does not review the CA Agency's design for technical accuracy or compliance standards unless the project impacts ADOT's ROW or facility.

Design Exceptions

Design Exceptions are required when any of the 10 Controlling Criteria (design speed, lane width, shoulder width, superelevation rate, horizontal curve radius, maximum grade, stopping sight distance, cross slope, vertical clearance, and Design Loading Structural Capacity) are not met. The CA Agency must document the need for design exceptions and notify the ADOT PM as early as possible to discuss and seek FHWA approval. All ten controlling criteria apply to high-speed roadways on the NHS projects while only two controlling criteria, Design Speed and Design Loading Structural Capacity, apply to low-speed roadways (Design speed < 50 mph) on the NHS. The CA Agency should submit design exceptions for consideration before 60 percent design plans. The CA Agency must send the design exception requests with appropriate justification to the ADOT PM. Deviations from criteria contained in the standards for projects on and off the NHS which are not considered to be controlling criteria should be documented by the CA Agency in accordance with State and local laws, regulations, directives, and safety standards.

Design exceptions, subject to FHWA's approval, or ADOT's approval on FHWA's behalf, are required to include the following as part of the Design Exception Documentation packet:

- Comparison of safety and operational performance of the roadway and other impacts such as right-of-way, community, environmental, cost, and usability by all modes of transportation.
- Existing roadway characteristics
- Alternatives considered
- Compatibility with adjacent sections
- Specific design criteria that will not be met

All design exceptions decisions and design deviation decisions should be documented to demonstrate compliance with accepted engineering principles and the reasons for the decision.

When using design exceptions in the project design, the CA Agency must ensure a professional engineer or landscape architect registered in the State of Arizona signs and seals the design exceptions. The CA Agency must include a statement in the federal authorization letter and the design exception in the final PS&E.

NHS Routes

In accordance with 23 C.F.R. § 625, FHWA, in its sole discretion, will approve all design exceptions on the NHS routes regardless of funding source. When controlling criteria is not met, the design exception should be submitted to the ADOT PM for State (if on ADOT ROW) and FHWA approval. FHWA and ADOT have published guidelines, procedures and requirements for the documentation and approval of design exceptions. Approval of a Design Exception by FHWA is considered a federal action. The CA Agency is required to obtain all required environmental clearances prior to obtaining FHWA approval.

Each Local Agency must have a documented procedure for addressing, documenting, submitting and obtaining approval from ADOT and FHWA for addressing exceptions to the American Association of State Highway and Transportation Officials (AASHTO) Controlling Design Criteria and ADOT Roadway Design Guidelines.

Non-NHS Routes (Local Roadway)

Non-NHS projects are designed, constructed, operated, and maintained in accordance with State and Local laws, regulations, directives, and safety, design, and construction standards. Therefore, there is no federal requirement for design exceptions on highways and streets that are not part of the NHS, regardless of funding source. However, States (and local agencies) are encouraged to analyze situations and document exceptions on non-NHS routes in a similar fashion when design values are used that do not meet their adopted criteria.

Each Local Agency must have a documented procedure for addressing, documenting, submitting and obtaining approval for addressing exceptions to the Local Design Standards and AASHTO Controlling Design Criteria.

Non-NHS Routes (State Roadway)

Each Local Agency must have a documented procedure for addressing, documenting, submitting and obtaining approval from ADOT for addressing exceptions or variances to the AASHTO Controlling Design Criteria and ADOT Roadway Design Guidelines.

Materials and Pavement Design Guidelines

The CA Agency must have materials and pavement design guidelines for new pavement and pavement preservation projects. The CA Agency must design pavement to accommodate current and predicted traffic needs in a safe, durable, and cost effective manner as required in 23 CFR 626.

For pavement improvements within an ADOT ROW, Pavement Design shall conform with ADOT's Pavement Design Manual and Design Guidelines.

Proprietary Items

A proprietary item on a project is a specific product, specification, or process, also referred to as a patented or proprietary product. Guidance for use of proprietary items can be found in ADOT Policies and Procedures SUP 01-1 Proprietary Items (SUP 01-1). A proprietary item must meet one of the conditions listed under SUP 01-1 to be eligible for federal reimbursement or used on a FAHP project.

Certification of a Proprietary Item

The CA Agency must request a certification of a proprietary item and include a statement that the particular proprietary item is either essential for synchronization with existing highway facilities or is a unique product for which there is no equally suitable alternative. The documentation will include a description of the proprietary item's:

- Uniqueness
- Essentiality
- Cost (estimate of any additional costs incurred as a result of the proprietary product requirement)
- Synchronization with existing facilities
- Maintenance requirements
- Availability
- Impacts on safety that would justify a higher standard
- Potential benefits to the Department

Synchronization may be based on a combination of:

- Function
- Aesthetics
- Logistics
- Life cycle
- Size and extent of products and systems to be synchronized with
- Relative cost of the proprietary item interest compared to the cost of replacing the existing elements requiring synchronization

The CA Agency must obtain ADOT approval from the appropriate Assistant State Engineer through the ADOT PM before including the product or process in the plans or specifications. The Assistant State Engineer will provide approval in the form of a signed statement certifying that a particular proprietary item is either essential for synchronization with existing highway facilities or a unique product for which there is no equally suitable alternative. If the certification extends beyond a single project, the CA Agency must obtain the Assistant State Engineer's approval through the ADOT PM.

In the federal authorization packet, the CA Agency must include the product name, ADOT Group that certified, and certification date in the CA Agency request letter.

If ADOT denies the certification request, the CA Agency must competitively bid the item for it to be federally reimbursable.

Proprietary Item Public Interest Finding

The CA Agency must submit a Public Interest Finding (PIF) letter requesting that it is in the public interest to use a specific material or product even though other equally acceptable materials or products are available. The letter includes documentation of a compelling justification of the reasonableness of the CA Agency's minimal needs and best method to meet these needs consistent with the requirement for the broadest practical competition. The level of documentation depends on the nature of the product and project involved. Supporting materials may include:

- Additional costs, if any
- Benefits to the public
- Description of need, including limitations and conditions
- Engineering and economic considerations
- Evaluation of the pool of other equally acceptable products
- Logistical concerns
- Product availability and comparability
- Other unique considerations

The CA Agency must obtain ADOT approval through the ADOT PM to specify a proprietary item at project authorization. In the federal authorization packet, the CA Agency must include a statement with the product name, ADOT Group that certified, and certification date in the CA Agency request letter and a copy of all approved PIFs.

If ADOT denies the PIF request, then the item must be competitively bid or not be eligible for federal reimbursement.

Experimental Product

An experimental product is a proprietary item used for research or a distinctive type of construction on relatively short sections of roadway on an experimental basis. The CA Agency must designate the project as an experimental research project. The CA Agency must develop a work plan that includes:

- Description of the experimental feature
- Experimental feature objectives
- Construction requirements (including necessary measurements)
- Characteristics to be evaluated
- Time schedules
- Reporting requirements
- Cost estimates
- Construction and post-construction inspection schedules
- Control sections
- Evaluations to be conducted

The CA Agency must submit the work plan to the ADOT PM for ADOT approval. In accordance with the funding program, the CA Agency must report the results to the ADOT PM, who will provide the results to FHWA upon completion of the project.

The same approval authority applies when an experimental product is requested through a construction change order.

Build America Buy America

In accordance with Build America, Buy America (BABA) Act specified in Pub. L. No. 117-58 Title IX, Subtitle A, Part 1, Sections 70901 and 70911-70918 (Pub. L. No. 117-58 §§ 70901; §§ 70911-70918) of the Infrastructure Investment and Job Act (IIJA), 2 C.F.R. § 184, 2 C.F.R. § 200, Office of Management and Budget (OMB) Memorandum M-24-02 as well as the added requirements of ADOT Standard Specifications for Road and Bridge Construction, as modified by *Stored Specification 106CMAT*, the CA Agency must ensure for all FAHP projects that all iron, steel, manufactured products, and construction materials (as defined above) incorporated into a project are BABA compliant by being produced in the United States.

Buy America

In accordance with the current "Buy America" requirements of 23 C.F.R. § 635.410 as well as added requirements of *ADOT Standard Specifications for Road and Bridge Construction*, as modified by *Stored Specification 106DMAT*, no FAHP project is to be authorized for advertisement or otherwise authorized to proceed unless one of the following requirements is met:

- The permanently incorporated construction materials used consist of only materials that have been exempted from the requirements of Buy America including cement, cementitious materials, aggregates such as stone, sand, or gravel, aggregate binding agents and soil or cement additives. If non-exempt Construction Materials such as iron or steel, non-ferrous metals, plastic or polymer based products, glass including optic glass, fiber optic cable, optical fiber, lumber, including engineered wood and drywall are included this will not qualify. Permanently incorporated materials do not include materials used in construction but removed before completion such as braces or lumber concrete forms.
- When Construction Materials are permanently incorporated the total value of the non-compliant products is no more than the lesser of \$1,000,000 or 5% of total applicable costs for the project.
- The total amount of Federal financial assistance applied to the project, through awards or sub-awards, is below \$500,000.

The CA Agency must address Buy America requirements during project design, because the delivery of Construction Materials could affect the project schedule and cost.

FHWA is responsible for approving Buy America waivers. Meeting the contractor's construction schedule when domestic materials are available and the cost differential between domestic and foreign products are not adequate bases for a waiver.

Plans, Specifications, and Estimates

The CA Agency must ensure a professional engineer or landscape architect registered in the State of Arizona shall sign and seal the final PS&E on all FAHP CA projects.

The plans and specifications shall describe the location and design features and construction requirements in enough detail to facilitate the advertising, bidding, awarding, contract control, construction, and estimation of construction costs of the project. The estimate shall show the expected project cost in enough detail to provide an initial prediction of the financial obligations to be incurred, and allow for an effective review and comparison of the bids received.

The CA Agency must obtain NEPA approval, ROW, utility, and railroad clearances. Any work related to these clearance shall not delay the construction contractor.

The CA Agency must submit the final PS&E and other related items to the ADOT PM for federal authorization for construction. The federal authorization package is required to be bid-ready.

The following items are required in a federal authorization package for construction:

- A request letter that includes:
 - Project name and location, ADOT project number, and federal aid number
 - Railroad, design exception, and proprietary products statements
 - Specified contract time
- All bid advertisement documents:
 - PS&E
 - Special provisions shall include the DBE Special Provisions (EPRISE), contract time, contract, and all required federal contract provisions as found under Construction Administration, subsection Contract Provisions page 41
- Clearances
 - NEPA approval that has been validated by ADOT prior to the PS&E submittal
 - ROW (Signed and approved by ADOT)
 - Utility and Railroad (railroad statement is required even when no railroad is involved)
- Current MPO TIP and STIP pages (showing the project name, funding year, and funding source)
- DBE Goal Assessment Notice (email from BECO to the agency)
- Financial recapitulation sheet
- Materials Quality Assurance project plan approval letter (signed and approved by ADOT)
- Project location/vicinity map

If applicable:

- Certification, PIF, or Experimental Product approval
- Design exception approval
- Executed IGA
- Subprogram eligibility letter
- Systems engineering checklist

200.50 ENVIRONMENTAL

ADOT Environmental Planning will prepare Categorical Exclusions (CE) with supporting surveys, technical reports, consultations and public involvement conducted by the CA agency.

In accordance with NEPA (42 U.S.C. § 4321 et seq.) and other relevant environmental laws and regulations, the CA Agency must prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS) including engineering technical reports, environmental technical studies, agency coordination, and public involvement for all FAHP projects. The CA Agency must prepare the NEPA documentation and analysis for ADOT approval.

NEPA approval is ADOT's responsibility that cannot be delegated to the CA Agency under the CA Agreement. Pursuant to 23 U.S.C. 326 and 23 U.S.C. 327, FHWA has entered into two Memorandum of Understanding (MOU) agreements with ADOT, known as CE Assignment (326 MOU) and NEPA Assignment (327 MOU) respectively. These MOUs assign FHWA's authority for determining and approving CEs and NEPA documents to ADOT. The non-assigned air quality conformity determinations for projects prepared under the 327 MOU must be approved by FHWA.

Initiation

During the pre-planning of project design, the CA Agency must conduct early coordination with ADOT Environmental Planning for a preliminary determination of the proper NEPA "class of action" and level of NEPA documentation needed to be included in the LPA project data sheet.

For CE-level projects, the environmental review process may start during the pre-planning and continue into design. When the scoping documents (scoping letter or PA) are completed, the CA Agency must submit the scoping documents to the ADOT PM and Environmental Planning for review of pertinent environmental information. ADOT Environmental Planning will confirm the preliminary NEPA document determination made during the pre-planning or design contract phase and provide guidance to the CA Agency on environmental analysis.

Typically, DCRs are prepared for EA-level projects and require the development of project alternatives that will need to be analyzed during the NEPA review process.

The level of public involvement will be commensurate with the proposed action and conducted in compliance with NEPA requirements and the CA Agency's public involvement guidelines. The ADOT Public Involvement Plan should be followed if a public hearing is conducted.

NEPA Review Process

The CA Agency must prepare the project NEPA support documentation excluding any CE checklist. The CA and their consultant should closely coordinate scopes of work with ADOT Environmental Planning before beginning any surveys or technical reports. The CA Agency must provide this documentation to ADOT Environmental Planning for approval.

For projects requiring a CE, the CA Agency should obtain NEPA approval and/or coordinate with Environmental Planning before proceeding beyond the 60 percent design plans. If the CA Agency proceeds beyond the 60 percent design plans before obtaining NEPA approval, the CA Agency should provide the ADOT PM written notice by email. Without prior approval by ADOT, those design activities are considered "at risk" and may not be reimbursed if redesign is required due to environmental issues.

For projects requiring an EA or EIS, the CA Agency must obtain NEPA approval before proceeding beyond the 30 percent (or CA agency equivalent) design plans.

After NEPA approval, ADOT Environmental Planning will send a copy of the document to the CA Agency. When the CA Agency receives a copy of the NEPA approval, the CA Agency may begin final design. If any part of the scope of work changes after NEPA approval, the CA Agency must contact ADOT Environmental Planning for reevaluation.

The CA Agency must submit subsequent design plans to ADOT upon request of the State Historic Preservation Office (SHPO) for projects with a “no adverse effects” determination. As part of an ADOT environmental communication protocol, all parties involved in the environmental process should be included in project communications including but not limited to the Environmental Planner, ADOT Project Manager, applicable Certification Acceptance (CA agency) staff, ADOT technical team members, respective project consultants and/or sub-consultants and any applicable internal or external stakeholders involved with the project. All environmental staff should keep their team(s) actively engaged with project status announcements. This will prevent situations from escalating due to non or miscommunication.

Environmental Commitments

Before the ADOT PM requests authorization for construction from FHWA, the CA Agency must verify that the NEPA approval is still valid and that the environmental commitments are included in the final design plans and specifications as applicable. In accordance with 23 C.F.R. § 771.115, the CA agency must coordinate with ADOT Environmental Planning in advance of the construction authorization letter preparation to ensure the NEPA approval is still valid. To ensure that there is no delay in the construction authorization request the CA agency should coordinate with ADOT Environmental Planning at the PS&E stage.

In accordance with 23 C.F.R. § 635.309(j), the CA Agency must incorporate the environmental commitments into the PS&E exactly as approved in the project NEPA approval. The environmental commitments include project-specific mitigation measures, any required permits, and any required species handling guidelines. The CA Agency must adhere to and cannot change the approved environmental commitments without prior written consent from ADOT Environmental Planning. In accordance with 23 C.F.R. § 771.109(b)(1), the CA Agency must ensure that the environmental commitments assigned to the CA Agency and contractor are successfully implemented and documented in the project file in accordance with the CA Agency's procedures for implementation and recording of environmental commitments. .

After receipt of the NEPA approval, the CA Agency must contact ADOT Environmental Planning for an assessment of any design changes as changes could trigger additional environmental analysis under NEPA. This applies to pre- and post-bid activities. After NEPA approval, design changes may require reevaluation in accordance with 23 C.F.R. § 771.129.

200.60 RIGHT-OF-WAY

The Project Development Process Manual for Right-of-Way is not the FHWA approved State ROW Manual.

In accordance with the FHWA approved State ROW Manual or the ADOT approved CA Agency ROW Manual, the CA Agency's staff, Consultant, and/or ROW agent prepares the ROW plan, administers appraisal, relocation, acquisition activities, property management activities (if needed) and prepares the ADOT Real Property Interest - ROW Certification Form. The CA Agency must determine during pre-planning if Real Property Interest/ROW activities, including acquiring property rights including temporary or long-term easements, are required for the proposed construction of a FHWA project. CA Agencies must demonstrate that they have the ability to comply with current FHWA requirements.

For projects requiring new ROW acquisition for which reimbursement of federal-aid funds for ROW activities will be requested, the CA Agency must have federal authorization for ROW activities and ADOT's notice to proceed before those ROW acquisition activities may begin. Before submitting the request for ROW activities, the CA Agency must have NEPA approval. Regardless of the funding source, Real Property Interest/ROW acquisition(s) will comply with the Federal Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 (42 U.S.C. § 4601 *et seq.*), as amended, and 23 C.F.R. Part 710 and 49 C.F.R. Part 24 (Uniform Act). Additionally, the CA Agency shall certify that all real estate related activities requiring licensure are performed by licensed individuals as defined by the Arizona Department of Real Estate (A.R.S. §§ 32-2121 & 32-2122). According to 23 C.F.R. § 710, ADOT shall have overall stewardship and oversight responsibility for the acquisition, management, and disposal of Real Property Interests on Federal-aid projects, including when those projects are carried out by ADOT's subgrantees or contractors. This responsibility includes ensuring compliance with the requirements of Part 710 and other Federal laws, including regulations.

The federal authorization request packet for right-of-way includes:

- CA Agency authorization request letter
- Current MPO TIP and STIP pages (showing the project name, funding year, and funding source)
- NEPA approval
- Project location/vicinity map
- ROW plan
- Title report (parcel and ownership information)

For projects with federal-aid funds in any part of the project, the CA Agency must conduct ROW activities in compliance with the FHWA-approved *ADOT Right-of-Way Procedures Manual* or the CA Agency's own ROW procedures manual that has been reviewed and approved by ADOT for federal aid projects. A CA Agency ROW Manual can only be used with ADOT's approval and permission. This requirement can be accomplished through one of the following ROW Manual approval methods:

- Certification in writing from the CA Agency, that they will adopt and use the FHWA-approved ADOT ROW Manual.
- CA Agency's own ROW Manual may be submitted to ADOT for review and determination of its compliance with Federal and State requirements. Following an approval of the ROW Manual, the CA Agency will certify in writing that they will follow the approved ROW Manual.

After the Real Property Interest acquisition(s) are complete and before advertisement, the CA Agency must submit the Real Property Interest - ROW package and clearance letter to the ADOT PM to obtain verification and concurrence from the ADOT ROW Group. Any deviation from these procedures must have ADOT approval with FHWA concurrence. If any Real Property Interest is acquired in advance of the project authorization, those Real Property Interests must be compliant with the Uniform Act and the FAHP.

If all Real Property Interest(s) have not been fully acquired before the request for federal authorization for the advertisement for receipt of bids for construction, the CA Agency must submit a request for conditional clearance to the ADOT PM to obtain approval from the ADOT ROW Group Project Management's Section and concurrence of FHWA. The CA Agency must not advertise until the ROW acquisition process is complete and has received full clearance unless ADOT ROW Group Project Management Section has approved and FHWA has concurred with a conditional ROW clearance.

In accordance with ADOT's *Requirements regarding Right-of-Way Acquisition by Local Public Agencies on Federal Aid Projects*, all FHWA projects with Real Property Interest acquisition(s) require oversight and records inspection by the ADOT ROW Group Project Management's Section throughout project development to ensure compliance with federal and state laws and regulations. The CA Agency must maintain ROW records according to the General Records Retention Schedule Issued to All State and Local Agencies Administrative and Management Records (revised 8/26/2016), except as otherwise expressly provided. Under certain circumstances, FHWA may request a longer period. The ADOT ROW Group will conduct reviews of the CA Agency's ROW recordkeeping activities.

Early Acquisition of Right of Way

In accordance with 23 C.F.R § 710.203, and 23 C.F.R.§ 710.501 "exceptions", early acquisition of Right of Way (ROW) is allowed provided the CA Agency has received environmental clearance for early acquisition of ROW and the CA Agency is not seeking federal reimbursement for their real estate acquisitions. To facilitate this, ADOT has developed a standard operating procedure (SOP) for the Early Acquisition of ROW that can be found on our Local Public Agency website. This process is not to be used in lieu of the standard ROW process for the acquisition of real property interest. Should the Early Acquisition of ROW be used, all criteria must be met to include following the Uniform Act and Early Acquisition regulations. If it is determined that said criteria is not properly demonstrated, the eligibility for federal reimbursement of the entire project will be jeopardized

200.70 UTILITIES AND RAILROADS

The BABA and Buy America provisions apply to utility and railroad contracts eligible for assistance under the FAHP within the scope of a finding, determination, or decision under NEPA, regardless of funding source, if at least one contract within the scope of the NEPA document is funded with federal funding under the FAHP.

Utilities

The CA Agency must ensure utilities affected by FAHP projects are identified during the design phase.

If using federal funds for utility relocation, the CA Agency must obtain design authorization from FHWA and send a utility letter to the utility company identifying utilities located within the project limits before requesting federal funds. After receipt of federal authorization, the CA Agency can authorize the utility company to start work. No utility design or relocation work done before federal authorization will be eligible for federal reimbursement.

When a FAHP project involves either the installation of new utilities or the retention, relocation, or adjustment of existing utilities, the CA Agency must comply with 23 C.F.R. Part 645. Utility coordination must occur during design and continue throughout construction. The CA Agency must coordinate with all utility companies in compliance with ADOT's *Accommodating Utilities on Highway Rights-of-Way* and the Arizona Utility Coordination Committee's *Public Improvement Project Guide*.

The CA Agency must provide written notice to the utility companies when utilities are located within the project limits, explaining and showing the proposed scope of work. The notice includes the scoping document and submission of design plans at phased stages and final PS&E. The CA Agency must obtain the utility clearance letter from the utility company during the project design and comply with the ADOT-approved CA Agency utilities and railroad checklist or ADOT Utilities and Railroad Section Stage Submittal Checklist in Appendix 1 of the *ADOT Utility Coordination Guide for Design Consultants*.

The CA Agency must identify and determine prior rights for all utilities within the project limits. When prior rights for utilities exist, the CA Agency must prepare and execute a formal agreement with the utility company and pay for utility relocation work. If using federal funds for any part of the project, all utility agreements for utilities with prior rights will be in accordance with 23 C.F.R. Part 645 and include the BABA and Buy America provisions regardless of what funding source is used to fund the relocation.

Before federal authorization for construction, the CA Agency must prepare a utility clearance letter certifying that all utilities have been relocated or arrangements for relocation of all conflicting utilities have been made. The clearance letter includes final relocation dates, mitigation measures, and construction requirements, and certifies that all federal and state laws and regulations have been met. The letter also includes the utility company name, contact person, phone number, description of work, resolution of the utility conflict, and schedule of work to be completed before the construction contractor starts work. The CA Agency must include a statement that the utilities are cleared and there is no conflict or identify what work needs to be completed in the special provisions. Utility design relocations and construction work will be completed in conformance with approved plans and specifications.

For utilities not relocated before bid advertisement, the CA Agency must include the scope and schedule of pending relocations and the contractor's responsibility in the construction contract. Submission of the utility clearance constitutes an affirmative representation by the CA Agency that the CA Agency has performed all acts necessary to accomplish the utility investigation and has completed all necessary utility relocations or has arranged for them to be completed during construction.

Railroad

The CA Agency must ensure railroads affected by FAHP projects are identified during the design phase. Railroad coordination must occur during design and continue throughout construction. If additional ROW is required, federal authorization for ROW must be obtained through the ADOT PM before contacting the railroad. If no railroads are affected by FAHP projects, a railroad clearance is still required stating that there is no railroad involvement. The CA Agency must request and receive federal authorization for railroad design or construction work. After receipt of federal authorization, the CA Agency can authorize the railroad to start work. No railroad design or construction work done before federal authorization will be eligible for federal reimbursement.

The CA Agency must provide written notice to the railroad companies when railroad ROW is located within the project limits, explaining and showing the proposed scope of work. The notice includes the scoping document and submission of design plans at phased stages and final PS&E. The CA Agency must obtain the railroad clearance letter from the railroad company during the project design and comply with the ADOT-approved CA Agency utilities and railroad checklist or ADOT Utilities and Railroad Section Stage Submittal Checklist in Appendix 1 of the *ADOT Utility Coordination Guide for Design Consultants*.

When a FAHP project impacts a railroad, the CA Agency must coordinate with the railroad to identify additional ROW needs and associated mitigation measures. The CA Agency must comply with the *ADOT Utility Coordination Guide for Design Consultants*. Mitigation measures involving work by railroad forces, on railroad facilities, or in coordination with railroad personnel will be documented in the railroad clearance letter and special provisions. The CA Agency must execute a formal agreement with the railroad company using guidance from the ADOT Utility and Railroad Section. The railroad agreement includes mitigation work and flagging requirements. All railroad agreements will be in accordance with 23 C.F.R. Part 645 and include the BABA and Buy America provisions.

Signal relocations or other parts of the railroad crossing road surfacing work required under the agreement between the CA Agency and railroad company will be paid through the agreement, as invoiced by the railroad company.

When a CA-administered FAHP project adds or deletes an at-grade crossing, widens an existing crossing, or installs or changes the configuration of protective warning devices, the CA Agency must request an opinion and order from the Arizona Corporation Commission, which has legal jurisdiction over the installation, operation, maintenance, use, and protection of railroad crossings. All adjustments and execution of work will comply with 23 C.F.R. §§ 140.900 through 140.922 and 23 C.F.R. Part 646.

Submission of the railroad clearance constitutes an affirmative representation by the CA Agency that the CA Agency has performed all acts necessary to accomplish the railroad investigation and has completed all necessary railroad work or has arranged for them to be completed during construction.

Railroad Section 130

When railroad-highway grade crossing safety funds are used in accordance with 23 U.S.C. § 130 (Section 130), the ADOT Utility and Railroad Section will manage and administer the agreements and obtain all federal authorizations for Section 130 projects. The CA Agency must perform all railroad civil activities (i.e., sidewalks, road approaches, ramps, typical roadwork, curb and gutter, median work, signing and striping associated with updated crosswalks, utility relocation, traffic control associated with any of the improvements, and non-railroad work) under Section 130, as detailed in the IGA/Joint Project Agreement (JPA) between the CA Agency and ADOT.

200.80 CONSTRUCTION ADMINISTRATION**Authorization**

The CA Agency must obtain federal authorization for construction through the ADOT PM before advertising the project. In accordance with 23 C.F.R. 630.106(a)(3), the request for authorization must be supported by a documented cost estimate. The request must also include the project end date, after which no charges will be eligible for federal reimbursement. This request is to be submitted to ADOT when the work is “ready to proceed”, which, it is recommended, typically within 90 days. When FHWA approves the request, the ADOT PM will provide notice to proceed by email. When the ADOT PM receives a copy of the Federal- Aid Project Agreement from Resource Administration, which includes ADOT’s and FHWA’s electronic signatures, the ADOT PM will provide a copy to the CA Agency. Following the contract award, the CA Agency must submit an electronic copy of the executed construction contract to the ADOT PM for ADOT’s and FHWA’s records.

It is expected that the CA Agency will have a copy of the FHWA authorization email, the Federal-Aid Project Agreement, FMISD05A (for PE authorizations) and FMISD06A (for construction authorization), in their files as soon as the documents are provided by the ADOT PM. If the CA Agency does not receive a copy of the required documents, the CA Agency must request them from the ADOT PM for their records.

Construction Financial

The CA Agency must provide award recapitulations to the ADOT PM within 30 calendar days of making the award on FAHP projects and any adjustments to project cost estimates, project phase completions, or when a design change is approved, etc. This is to ensure the ADOT PM revises the Federal funds obligated within 90 days , as required by 23 C.F.R. § 630.106(4). For those projects in which the authorized amount exceeds the awarded amount, the project funds will be deobligated down to the authorized amount and those federal-aid funds will be returned to the MPO for reprogramming. ADOT will revise the federal-aid funds obligated within 90 days.

Project costs that exceed the amount of federal aid authorized for a project are the sole responsibility of the CA Agency. The CA Agency may coordinate with the MPO to request additional funding, if available. When the applicable TIP reflects the additional funding, the CA Agency must notify the ADOT PM to request subsequent federal authorization.

For construction projects requiring an increase in funding or exceeding one year in duration, ADOT will rebalance the funding by Federal Improvement Type (FIT) to ensure costs are properly accounted for by FIT.

Construction Reimbursement

The CA Agency must make the initial request for reimbursement within six months after the authorization of construction funding. After construction is awarded, a copy of the notice to proceed will be submitted to the Department. Subsequent requests for reimbursement will be made monthly to the ADOT PM. ADOT has developed an SOP and reimbursement cover sheet for invoice submission for reimbursement that can be found on our Local Public Agency Website.

The CA Agency may seek federal reimbursement for the cost of preparing record drawings by including it in the construction engineering cost for the project.

All reimbursement requests will identify cost breakouts by FIT. The CA Agency must provide the FIT information on the reimbursement request, so ADOT can meet the federal requirement to report federal expenditures by FIT.

Procurement of a Contractor

23 C.F.R. § 635.110 requires that procedures and requirements used for qualifying and licensing contractors who may bid for, be awarded, or perform Federal-aid highway contracts, shall be submitted to ADOT LPA section for advance approval. Only those procedures and requirements so approved shall be effective with respect to Federal-aid highway projects. Any changes in approved procedures and requirements shall likewise be subject to approval by the ADOT LPA section. Additionally, the CA Agency must not require that the contractor obtain a license before submitting a bid.

23 C.F.R. § 635.113 requires that all bids be received, opened, and read without regard to licensing requirements. The reading of bids reveals the apparent lowest responsive, responsible bidder. A successful responsive bidder will have 60 calendar days to obtain the proper contractor's license required by the State. If the lowest responsive bidder cannot obtain the required license, the project may be awarded to the next lowest responsive bidder who has the required license.

In accordance with 23 C.F.R. § 635.113(a), the CA Agency must not negotiate or alter the scope of work, quantities, or pay items with contractors after the opening of bids and before contract award.

In the event of a tie between two or more bidders for the low bid, the CA Agency must provide the ADOT PM and ADOT LPA Section written notice immediately after the bid opening. The CA Agency must receive ADOT concurrence before award.

Failure to comply with competitive bidding requirements is a violation of federal and state laws and regulations that will jeopardize federal reimbursement.

Materials-Only Procurement/Procurement of Materials and a Contractor for Installation

When federal funds are used, the CA Agency must award contracts for the procurement of materials only and procurement of materials and a contractor for installation in compliance with federal regulations, the Arizona Procurement Code, and ADOT-approved CA Agency procurement procedures.

When using federal-aid funds to purchase materials and/or equipment, the CA Agency must follow their own ADOT-approved competitive procurement procedures. These procedures must comply with the Arizona Procurement Code and be approved by ADOT, as agreed to in the Certification Acceptance agreement between the State and the CA Agency. Failure to follow their own ADOT-approved competitive procurement procedures is a violation of federal and state laws and regulations that will jeopardize federal reimbursement and may cause rescission, in whole or in part, of the Certification Agreement.

The standard work for the delivery of Materials-Only Procurement projects with or without contractor installation can be found on the LPA website under the Federal Aid Highway Programs (LPA) tab.

Construction Advertisement

The CA Agency must administer the bid advertisement and contract award in compliance with 23 C.F.R. § 635.112 and Arizona Revised Statutes (A.R.S.) § 34-201 through 34-203.

When ADOT PM notifies the CA Agency of FHWA's authorization, the CA Agency may begin work on a FAHP project and advertise for bids. The CA Agency must send a copy of the advertisement to the ADOT PM before advertising and notify the ADOT PM when advertised. The CA Agency must include the DBE contract goal in the contract bid advertisements and request for proposals or other solicitation documents. In accordance with 23 C.F.R. § 635.112 (b), the CA Agency must advertise for at least three weeks prior to opening of bids and make the contract files and records available for public inspection after award.

FHWA may only authorize the work that is ready to proceed, which typically anticipates the CA Agency issuing a request for proposal, qualifications, and/or bids within 90 days and awarding the contract soon thereafter. Authorizing a phase of a project before it is ready to advance is a significant cause of project inactivity and is not allowable. Authorization is FHWA's internal control mechanism to ensure federal and state laws and regulations have been met before costs are incurred. Three months after the advertisement concludes, the CA Agency must begin construction.

If the CA Agency believes it is unable to meet the schedule, the CA Agency must provide the ADOT PM written notice with justification and a revised schedule. ADOT has sole discretion to approve the revised advertisement and award schedule. If the CA Agency has not begun the construction within six months of the advertisement date and submitted invoices for reimbursement to ADOT, the project may become inactive and subject to deobligation per the ADOT Inactive Projects Policy which supports the FHWA Funds Management Guide.

Contract Provisions

Federal laws and regulations require that specific contract provisions be included in federal-aid construction contracts. The CA Agency must ensure the bid package and awarded construction contract are complete. The package includes the most current version of the following contract clauses:

- Breach of Contract Language
- Buy America Provisions
- Build America, Buy America (BABA) Act
- Cargo Preference Act Language
- Use of Prohibited Products Provisions
- Changes and extra work and contract time and contract time extensions per 23 CFR § 635.120 and §635.121
- Contract Notice to Proceed, Commencement, and completion of Work Dates
- Disadvantaged Business Enterprise (DBE):
 - DBE Goal percentage
 - DBE Special Provisions (DBE EPRISE)
 - DBE Assurance Form (3102C)
 - DBE Intended Participation Affidavit
 - DBE Intended Participation Affidavit Individual Form (Form 3105C)
 - DBE Intended Participation Affidavit Summary Form (Form 3106C)
 - Online Bidders List

- Bidders List Email Confirmation Notice
- DBE Good Faith Efforts 103C
- DBE Termination/Substitution/Reduction (TSR) Request (Form 3108C)
- Commercially Useful Function (CUF) Language DBE Certification of Final Payment Form 3110C
- DBE Joint Check Request Form 3109C
- DBE Joint Check Agreement (Form 3114C)
- Energy Efficiency Language
- Environmental Commitments
- Equal Employment Opportunity (EEO):
 - Equal Employment Opportunity Clauses
 - Executive Order 11246 (revised 5-12)
 - EEO Compliance Reports (Form FHWA-1273) – for construction contracts only
 - Certification, Contracts, or Subcontracts Subject to EEO Clause (April, 1969)
 - Executive Order 2009-09
- Federal Immigration and Nationality Act Language
- FHWA 1273 (Revised July 5, 2022)
- Job Site Posters Required List
 - <http://www.fhwa.dot.gov/programadmin/contracts/poster.cfm>
 - The ADOT Poster Identification Guide for Project Bulletin Board Quantlist can be found on the ADOT website
- Non-Collusion Provision
- On the Job Training Provision (If Applicable)
- Prompt Pay Provision and Payment Reporting Provisions
- Record Retention Language
- Recovered Materials Language
- Standard Change Condition Clause
- Termination of Contract Language
- Title VI Assurances and Title VI Appendix A & E
- Wage Determination Decision - Project Specific
- Forced Labor of Ethnic Uyghurs Ban Certification Form, Rev. November 2022

The CA Agency must ensure that the contractor and subcontractors comply with federal, state, and local immigration laws and regulations, as set forth in *Arizona Executive Order 2005-30*.

The CA Agency must ensure that the required contract provisions are the most current version at the time of contract award.

Addenda

An addendum may affect the obligation of federal-aid funds. Issuing an addendum during advertisement may have a profound impact on bid prices and the basis for bid comparisons. For any addendum, the CA Agency must notify the ADOT PM and provide justification before its release to the prospective bidders. If several changes are made through addendum, the CA Agency or ADOT may need to consider a bid extension to allow ample time for bidders to respond. All bidders will bid the project on the same basis, so that no particular advantage or disadvantage occurs to any potential bidder or the CA Agency.

Bid Analysis

Bid analysis is the basis for justifying the contract award or rejection of bids. A bid analysis helps ensure that federal-aid funds are being used effectively. In accordance with 23 C.F.R. § 635.114(c), the bid analysis process examines the unit bid prices for reasonable conformance with the engineer's estimated prices. The CA Agency must conduct a bid analysis on all bids. When the low bid is more than 110 percent or less than 85 percent of the engineer's estimate, a thorough analysis must be undertaken to justify contract award.

The CA Agency must have an ADOT-approved bid analysis process to justify the contract award and rejection of bids. The CA Agency must notify the ADOT PM of all bid awards and bid rejections before the CA Agency takes action. The CA Agency must obtain all proper statements and affidavits as required by federal laws and regulations.

In accordance with 23 C.F.R. § 635.114(d) and (e), when obvious unbalanced bid items exist, the CA Agency must support the decision to award or reject a bid with written justification. The CA Agency may award a bid that is mathematically unbalanced, but not materially unbalanced. When a low bid is determined to be both mathematically and materially unbalanced, the CA Agency must notify the ADOT PM for ADOT concurrence before making an award to any other bidder. The ADOT PM will notify FHWA.

In accordance with 23 C.F.R. § 635.114(f), when the CA Agency believes that the apparent low bidder should be rejected, the CA Agency must notify the ADOT PM for ADOT concurrence before making an award to the next lowest responsive and responsible bidder. The ADOT PM will notify FHWA.

In accordance with 23 C.F.R. § 635.114(h), the CA Agency must notify the ADOT PM for ADOT concurrence before rejecting all bids received for a federal-aid contract. The ADOT PM will notify FHWA.

Award

Contracts for the construction of FAHP projects will be awarded under 23 U.S.C. § 112, 23 C.F.R. Part 635, and A.R.S. § 34-221. The CA Agency must award the contract competitively to the responsible contractor that submits the lowest responsive bid. Following the contract award, the CA Agency must submit an electronic copy of the executed construction contract to the ADOT PM for ADOT and FHWA's records. If the project award is less than the authorized amount of funding, the excess funding will be released back to the MPO for reprogramming on other eligible projects.

Preconstruction Meetings and Submittals (Construction Administration)

When the CA Agency has awarded a project to the contractor, the CA Agency must administer and oversee the preconstruction meeting and preconstruction submittals.

The CA Agency must notify the ADOT PM of upcoming preconstruction meetings and provide a written copy of the meeting notes. The CA Agency must conduct the preconstruction meeting, prepare meeting materials, notes, and documentation of engineering decisions, and discuss the following items, if applicable:

- Contractor's submittals
- Railroad or utility adjustments
- Public relations and interests of abutting property owners
- Contractor's work plan and schedule

- Specific contract requirements, including EEO, DBE, and OJT
- Safety and traffic control plans
- Environmental commitments
- Erosion control/Stormwater Pollution Prevention Plan (SWPPP)
- ROW available for use by the contractor
- Time limits and performance of operations, including materials delivery considerations
- Construction time and cost control
- Emergency response to incidents
- Escalation process
- Authorized signature form
- Quality assurance for materials
- Buy America contract provisions
- BABA provisions
- Spill Prevention, Control and Countermeasures (SPCC) Plan

The CA Agency must be fully acquainted with the contractor's plan of operations, planned progress schedule, shop drawings, and other submittals. Before construction begins, the CA Agency must have a traffic control plan, contractor's safety plan, and SWPPP and SPCC, if applicable.

In accordance with 23 C.F.R. §§ 630.1010 and 630.1012 (b) and (c), the CA Agency must include in the PS&E either a Transportation Management Plan (TMP) or provisions for contractors to develop a TMP. The CA Agency must approve a contractor-developed TMP before implementation. A TMP consists of a Temporary Traffic Control (TTC) plan and addresses both Transportation Operations (TO) and Public Information (PI) components. For projects that the CA Agency determines to have less than significant work zone impacts, the TMP may consist only of a TTC plan. The CA Agency must consider TO and PI issues for all projects.

The CA Agency must review the contractor's safety plan. The safety plan is specific to the project and specifies the procedures the contractor shall implement to satisfy Occupational Safety and Health Administration (OSHA) and state occupational safety guidelines for workers and the public during construction. Upon its review, the safety plan must be signed by the project's responsible charge or designee.

For projects with one or more acres of disturbed area and that meet the definition of construction activities and/or support activities stipulated in the permit, the CA community must ensure permit coverage and compliance under the Arizona Department of Environmental Quality's (ADEQ's) Arizona Pollutant Discharge Elimination System General Permit for Stormwater Discharges Associated with Construction Activity to Protected Surface Waters (Construction General Permit – CGP). A Notice of Intent (NOI) and SWPPP must be developed and implemented or an Erosivity Waiver Certification must be obtained to comply with the CGP for any operators as defined in the CGP.

If the contractor needs a staking plan, the CA Agency must review the plan before staking begins. Upon its review, the staking plan must be signed by the project's responsible charge or designee. The CA Agency must discuss the staking plan with the contractor throughout the project to ensure the contractor follows the plan.

Construction Start and End Dates

The CA agency shall maintain a record of the first day of project construction (start date) and the last day of project construction (end date) for all federally funded construction projects. Project payroll dates must be within the project start and end dates.

200.90 CONSTRUCTION**Subcontracts**

In accordance with 23 C.F.R. § 635.116, the CA Agency must not allow any contract work to be performed under a subcontract unless an arrangement has been authorized by the CA Agency in writing. Before authorizing a subcontractor, the CA Agency must ensure each subcontract has the required assurances, prompt pay and payment reporting provisions, and wage determinations of the prime contract.

All contractors/subcontractors must document their start date (the actual date work begins) and end date (the actual date work is complete) for all projects. The CA Agency must document the contractors/subcontractors' start date and end date in the CA Agency's inspector daily reports/project diaries.

Bulletin Board (Job Site Posters)

Per 29 CFR 5.5(a)(1)(i) The CA Agency must ensure that job site notices or posters are displayed at all times by the contractor and subcontractors at the site of the work in a prominent and accessible place where they can be easily seen by the workers. The CA agency must adhere to all federal and state requirements related to jobsite posters. It is the CA agency's responsibility to ensure all required jobsite posters are up to date.

Davis-Bacon Act

Federal-aid contracts exceeding \$2,000 will comply with the Davis-Bacon Act (40 U.S.C. § 3141 *et seq.*). The CA Agency must monitor and enforce the labor standard provisions of the Davis-Bacon and Related Acts.

The CA Agency must conduct employee interviews of all employee classifications and contractors on the project to determine if the contractor is complying with the Davis-Bacon prevailing wages. In accordance with 29 C.F.R. § 5.6(a)(3), interviews will be a sufficient number to establish the degree of adequacy and accuracy of the records based on the CA Agency's determination and nature and extent of any violations.

A fringe benefit plan is only required when a contractor reports contributions the contractor makes on behalf of the employee to bona fide fringe benefit plans as a way to meet the prevailing wage requirement. If a contractor's fringe benefit plan has already been approved by ADOT and/or the Department of Labor (self-funded plans are required to be approved by the Department of Labor), the CA will not need to re-approve the plan. In cases where the contractor does not have a valid approved plan, the CA will be required to approve the contractor's fringe benefit plan. ADOT will provide assistance for fringe benefit plan review, as needed.

Inspector Daily Reports (Inspector Daily Diary)

The CA Agency must ensure the inspectors' daily reports, progress charts, and other data are compiled in the field to facilitate job control and ensure that the project is completed safely and in reasonably close conformity with final PS&E, including supplemental agreements.

The CA Agency must verify that discussions and decisions with the contractor are documented. The project documentation must be complete, concise, accurate, factual, and in sufficient detail to document the completion of project work. The CA Agency must ensure that the reports/diaries are signed and dated by an inspector and reviewed by the CA Agency's Responsible Charge or designee. For construction management review, the CA Agency must have complete documentation for work conducted, measured, and paid to include quantities. Additionally, the diaries/reports should contain details, such as, contractors/subcontractors on site, labor classifications worked and any other details to confirm that labor matches the work performed.

DBE Commercially Useful Function (CUF) Inspection

The CA Agency must use the ADOT Business Engagement Compliance Office (BECO) Commercially Useful Function (CUF) checklist to conduct a CUF Site Visit for all DBEs working on an FAHP project (RC and RN). This form is available to the CA Agencies upon request to BECO.

CUF Site Visit documentation must be uploaded into the LPA DBE System under the "Site Visit" tab.

Supplemental Agreements

A supplemental agreement or change order between the CA Agency and contractor covers work within the project limits not otherwise provided for in the contract, contract time extensions or reductions, or revisions in or amendments to the contract terms. A supplemental agreement becomes part of the contract when signed by the CA Agency and contractor.

A change order, with backup documentations (engineer cost analysis, contractor cost estimate, plans & special provisions changes (if any) and approval by the CA's designated engineer) shall be sent to the ADOT District Engineer or his/her designee for prior concurrence, instead of the ADOT Project Manager (PM). The District Engineer will review and concur/notify within two business days by email. Once the completed change order is finalized, a copy of the finalized change order shall be sent to the ADOT PM and ADOT District for their records by the CA agency.

The change order approval process can be found on the ADOT LPA website.

Supplemental agreements must be in writing and signed by the CA Agency Responsible Charge. The CA Agency must prepare an independent cost analysis to justify the cost of the supplemental agreement and require the contractor to provide a detailed estimate of proposed prices.

On NHS projects, FHWA approves major change orders (an increase of over \$1,000,000, an increase of 20 percent or more to the project, work outside the project limits, or major scope changes) before starting the work. Work related to a major change completed or underway before FHWA prior concurrence may not be eligible for reimbursement.

The CA Agency must ensure on NHS and non-NHS projects, that any work outside the project environmental clearance limits, has been reviewed and that prior concurrence is obtained from ADOT EP before starting the work.

On non-NHS projects, the CA Agency will notify the ADOT PM of any ADOT major change orders. ADOT defines a major change as involving scope changes, time extensions, or work outside the project environmental clearance limits. ADOT will send copies of all approved non-NHS major change orders to FHWA.

For change orders for non-participating federal items using local funds, 23 C.F.R. § 635.120(f) requires FHWA coordination when the proposed work affects the design or participating construction features of a project. The CA Agency must notify the ADOT PM to initiate FHWA coordination.

For force accounts when the CA Agency and contractor cannot reach an agreement, the CA Agency must record the labor, equipment, rentals, direct charges, and materials for work identified in the supplemental agreement. 23 C.F.R. § 635.120(d) requires the CA Agency to document the reason or reasons for using the force account. The CA Agency must ensure that an inspector is present to document and verify the actual work being conducted and labor, materials, and equipment used to accomplish the work. The CA Agency must ensure the daily diaries are comprehensive and the contractor compares cost account records daily and resolves any discrepancies.

Prompt Payment and Payment Reporting

The CA Agency must adhere to A.R.S. § 34-221. The CA Agency must ensure the contractor makes prompt payments to subcontractors within seven calendar days of receipt of payment in compliance with A.R.S. § 34-221 and the prompt payment and return of retention requirements specified in *ADOT Standard Specifications for Road and Bridge Construction*, Subsection 109.06(B).

The CA Agency must monitor and enforce the prompt pay requirements on all reportable contracts. The failure to do so may result in deobligation of federal-aid funds from the FAHP project. Reportable Contracts means any subcontract, of any tier, DBE or non-DBE, by which work shall be performed on behalf of the contractor and any contract of any tier with a DBE material supplier. The requirements of this subsection apply to all Reportable Contracts.

Material Quality Assurance

In accordance with 23 C.F.R. Part 637, Subpart B, Quality Assurance Procedures for Construction, the CA Agency must adhere to the Appendix A of *ADOT Materials Quality Assurance Program* or use its own ADOT-approved quality assurance program. The *ADOT Materials Quality Assurance Program* applies to NHS and non-NHS projects.

The CA Agency must have an ADOT-approved Materials Quality Assurance Project Plan for inclusion in the federal authorization packet. The CA Agency must clearly define the contractual relationship between the acceptance laboratory, sampling/testing personnel, contractor, and CA Agency. The CA Agency must submit to the ADOT PM and the ADOT Materials Group the following:

- Copy of the Materials Sample Checklist
- Materials Certification Log
- Bid Tabulation
- Contractual statement detailing the contractual relationship between the acceptance laboratory, independent assurance laboratory, field sampling/testing personnel, contractor, and the CA Agency

The ADOT Materials Group Materials Quality Assurance Manager will evaluate and approve the project's quality control and acceptance procedures, personnel, and facilities.

The CA Agency must ensure FAHP project inspections meet the ADOT-approved Materials Quality Assurance Project Plan and testing personnel have the required certifications and training to conduct assigned roles and duties. The CA Agency must sample and test materials in compliance with the ADOT-approved CA Agency specification and test method.

The CA Agency must verify and accept materials by Certificate of Compliance or Certificate of Analysis to ensure materials meet the requirements of *ADOT Standard Specifications for Road and Bridge Construction*, Subsection 106.05, as revised by *Stored Specification 106CERT*.

The CA shall maintain all test reports, certificates and test summaries for a minimum of five years after the project has been completed and properly closed with FHWA. All records shall be available for review by ADOT at any time while the project is in construction or during the five year retention period.

Build America Buy America

In accordance with Build America, Buy America (BABA) Act specified in Pub. L. No. 117-58 Title IX, Subtitle A, Part 1, Sections 70901 and 70911-70918 (Pub. L. No. 117-58 §§ 70901; §§ 70911-70918) of the Infrastructure Investment and Job Act (IIJA), 2 C.F.R. § 184, 2 C.F.R. § 200, Office of Management and Budget (OMB) Memorandum M-24-02 as well as the added requirements of ADOT Standard Specifications for Road and Bridge Construction, as modified by Stored Specification 106CMAT, the CA Agency must ensure for all FAHP projects that all iron, steel, manufactured products, and construction materials (as defined above) incorporated into a project are BABA compliant by being produced in the United States.

Buy America

In accordance with the current "Buy America" requirements of 23 C.F.R. § 635.410 as well as added requirements of ADOT Standard Specifications for Road and Bridge Construction, as modified by *Stored Specification 106DMAT*, the CA Agency must ensure that all construction and manufactured products permanently incorporated into a FAHP project will be certified as domestically produced, including application of coating, and have proper certification statements from the manufacturer. Buy America certifications will accompany each shipment of construction material that is otherwise not excluded or exempt, be submitted in compliance with the CA Agency Buy America provision that meets ADOT requirements, and be documented in the daily diaries or field reports.

The Buy America provision in 23 C.F.R. § 635.410 applies to the entire FAHP project as defined by the project environmental clearance limits including utility relocations within the project limits even if entirely separately funded.. Failure to comply with 23 C.F.R. § 635.410 will jeopardize federal funding for the entire project. Buy America certification is not the same as Buy American certification. Buy American certified materials is unacceptable on FAHP projects.

Final Certification of Materials

In accordance with the *ADOT Materials Quality Assurance Program*, the CA Agency must submit the summary of testing materials of the entire project, materials sample checklist, materials certificate log, and materials certification/exception report electronically to the ADOT Materials Group, Materials Quality Assurance Manager, at project completion. The ADOT Materials Group, Materials Quality Assurance Manager will review these items and, if necessary, notify the CA Agency of any deficiencies that require corrective action within 30 days.

Construction materials that do not meet specification requirements that were incorporated into the project must be summarized in the materials certification/exception report with a detailed explanation listing penalties or justification for acceptance. The CA Agency must ensure a professional engineer registered in the State of Arizona signs and seals the materials certification/exception report.

200.100 FINAL ACCEPTANCE AND PROJECT CLOSEOUT**Final Walk-Through and Inspection**

When project construction is near completion, the CA Agency must provide the ADOT PM written notice 10 calendar days before conducting the final walk-through and inspection. ADOT has the right to attend the final walk-through and inspection. The CA Agency must ensure that any issues identified during the inspection are resolved before the CA Agency completes final acceptance.

Final Acceptance Request

Before Final Acceptance, the CA Agency must ensure completion of the CA Agency's punch list, contractor's affidavit of final payment, consent of surety for final payment, bonding lien release waiver, subcontractor's waiver, and release on final payment. If a contractor disputes final payment, the CA Agency must provide the ADOT PM and ADOT LPA Section written notice immediately and include an estimated timeframe for resolution.

Upon Final Acceptance of the project, the CA Agency must ensure that the contractor files a Notice of Termination (NOT) with ADEQ for projects with a NOI. Upon final stabilization of the project, (as defined in the CGP), the CA Agency must file a NOT with ADEQ for projects with a NOI.

The CA Agency must submit final acceptance documentation to the ADOT PM within 90 Calendar days after construction is completed (i.e. completion of the CA Agency's punch list, affidavit of final payment, lien release waiver, final acceptance to the contractor, NOT, all contract work, etc....).

Once the project is completed and ready for closeout, the CA Agency's Closeout Request Packet is to include the following:

- Completed Final Voucher - Closeout Request Cover Sheet
- CA Agency's Final Acceptance Letter to the contractor with applicable specification
- Completion Confirmation Letter attesting to project completion (addressed to ADOT)
- Statement of final reconciliation
- Statement of verified and closed certified payrolls
- Contractor's affidavit about the settlement of claims
- Copy of Final Pay Request with no remaining obligation
- Total Project Cost Summary Report by scope of work including non-federal reimbursable expenses
- Certificate of Final Payment to DBE firms
- DBE Goal Assessment Notice
- Record Drawing Documentation Form
- List of items installed and locations if procurement

Final Voucher - Closeout Request Cover Sheet

The Closeout Request Cover Sheet provided by ADOT is to be completed by the CA agency to include the contact information, project information and project completion confirmations. This will be submitted to the ADOT PM as part of the Closeout Request Packet.

Final Acceptance Letter (addressed to Contractor)

The CA Agency's Final Acceptance Letter (addressed to the Contractor) is to include:

- Federal Project Number and ADOT Project Number
- Project Location and Description/Scope
- Contractor's Name
- Work Completion Date
- Final Inspection Date
- Final Acceptance Date
- Signature
- Document is to include reference to the specifications used that outlines the Acceptance Process (e.g., Section 105.20 of the ADOT Standard Specifications for Road and Bridge Construction)

If a project doesn't have any construction, a final acceptance addressed to ADOT is sufficient and no completion confirmation letter is needed.

Completion Confirmation Letter (addressed to ADOT)

The CA Agency's Completion Confirmation Letter to ADOT will be on the CA Agency letterhead. The Completion Confirmation Letter includes:

- Federal Project Number and ADOT Project Number
- Project Location and Description/Scope
- A statement that the project is complete
- A statement that the CA Agency accepts and will maintain the project or there is an IGA showing another agency's acceptance and maintenance responsibility
- Confirmation of receipt of final payment or final pay request
- A statement that the results of the tests used in the Materials Quality Assurance Project Plan indicate materials incorporated in the construction work and construction operations controlled by sampling and testing were in conformity with the approved contract
- A list of documents included

Total Project Cost Summary Report

The Total Project Cost Summary Report lists the Federal reimbursable expenses, local match, ineligible and non-federal reimbursable expenses by scope of work (e.g. Design, ROW, Construction) to ensure all project cost will be reported to FHWA as per 2 C.F.R § 200.402.

A project will not be accepted until the CA Agency verifies that it is acceptable, including certifications. All physical work shall be completed before the final acceptance letter date.

The CA Agency must submit the final payment request and final acceptance letter to the ADOT PM and cc the ADOT LPA Process Manager and/or Oversight and Monitoring Manager. When the ADOT PM has verified that the CA Agency has received final reimbursement, ADOT's internal project closeout process begins. Upon FHWA approval, the project will be closed and no additional federal reimbursement of project costs can be made.

Record Drawings (formerly As-built Plans)

The CA Agency must ensure redlines are drawn accurately and to scale with necessary explanation and references noted. Redlines include all changes from the as-bid documents, permit work, subcontract work, supplemental agreements, addendums, field adjustments, requests for information, and discovered, relocated, or abandoned irrigation systems and utilities.

The CA should submit a Record Drawing Form to their ADOT PM. The form can be found under “Additional Resources” located on the ADOT Project Resource Office site. The form will then be placed on the ADOT ROAD portal site for future reference. Do not submit complete record drawings to your ADOT PM. Record drawing should be archived with the CA agency.

Maintenance

Post-construction operation and maintenance activities, including repairs such as filling potholes, do not qualify for federal funding, with the exception of preventive maintenance costs allowed under 23 U.S.C. § 116(d). The CA Agency must maintain FAHP projects and commit financial resources and adequate personnel for on-going maintenance operations in compliance with 23 C.F.R. § 633.208. These maintenance activities cannot be transferred to another party except through an IGA or annexation.

300.00 CIVIL RIGHTS

300.10 AMERICANS WITH DISABILITIES ACT

Section 504 of the Rehabilitation Act of 1973 (49 C.F.R. Part 27) prohibits discrimination based on disability in programs, activities, and services that receive federal financial assistance. Title II of the American with Disabilities Act of 1990 (28 C.F.R. Part 35) prohibits discrimination based on disability in state and local government services regardless of whether the public entity receives federal financial assistance.

In accordance with 49 C.F.R Part 27 and 28 C.F.R. Part 35, a CA Agency that receives federal financial assistance from FHWA must comply with the following:

- Notify the public of ADA obligations
- Designate an ADA Coordinator
- Adopt and implement complaint/grievance procedure for ADA complaints received by the CA Agency
- Conduct a self-evaluation of programs and services for accessibility
- Develop and implement a transition plan to make structural modifications to facilities in order to achieve program accessibility. For FHWA recipients and public entities with responsibilities over roads, highways and pedestrian facilities, the transition plan must include a curb ramp installation schedule
- Provide assurances to ADOT and FHWA when receiving federal financial assistance that the CA Agency does not discriminate based on disability in any of its programs, services, and activities
- Conduct programs, services, and activities in accessible facilities or provide alternative means of accessibility
- Make new and altered buildings and facilities accessible in accordance with accessibility guidelines
- Provide effective communications using auxiliary aids (sign language interpreters, large print, or Braille text) so that individuals with hearing, visual, sensory, or cognitive impairments have access to programs, services, and activities

The CA Agency must submit an ADA Action Plan report to the ADOT Civil Rights Office (CRO) for review and acceptance, by January 30th. The CA's annual ADA Action Plan must include:

- Identify staff and/or consultant to review each facility for compliance. The ADA/504 Coordinator should be the lead staff member in the development and implementation of the transition plan so that efforts to achieve and maintain accessibility can be effectively coordinated throughout the entity and so that there is balance in the transition plan between entity programs and services, buildings and facilities, as well as pedestrian right of way facilities.
- Establish the public involvement process by which the disability community and others will participate.
- Identify facilities used by each of the recipients/public entities programs and services. Which includes an inventory and/or maps of streets, sidewalk, intersections, that would need to be made accessible.
- Map out the usage.
- Survey tool or list of standards.
- Incorporate capital improvement plan;
- Identify funding and timelines.

300.20 TITLE VI NONDISCRIMINATION

In accordance with Title VI of the Civil Rights Act of 1964 (49 C.F.R. Part 21) and related statutes and regulations, the CA Agency must comply and further ensure that:

“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity,” for which the Recipient receives Federal financial assistance from DOT, including the Federal Highway Administration.

In accordance with 23 C.F.R. Part 200, the CA Agency must submit a Title VI program plan to the ADOT CRO for review and acceptance, and an Annual Goals and Accomplishment report by August 1. The Title VI Implementation program plan must include:

- Signed Policy Statement
- Signed Title VI Assurances
- Organization and Staffing/Designated Title VI Program Coordinator
- Program Review Procedures
- Special Emphasis Program Areas
- Sub-Recipient Review Procedures
- Data Collection/Reporting/Analysis
- Title VI Training
- Complaint Procedures
- Dissemination of Title VI Information/ Public Participation Plan
- Limited English Proficiency
- Environmental Justice
- Compliance and Enforcement Procedure
- Review of CA Agency Directives

In accordance with *USDOT 1050.2A*, the CA Agency must insert the following notification in all solicitations for bids, requests for proposals for work, or material subject to the Acts and regulations made in connection with all FAHP and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

“The CA Agency, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252.42 U.S.C. §§ 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color national origin in consideration for an award.”

In accordance with *USDOT Order 1050.2A*, the CA Agency must insert the clauses of Appendix A and E of the Title VI Assurances in every contract, subcontract, or agreement. When applicable, the CA Agency must insert Appendix B, C, or D of the Title VI Assurances in contracts and subcontracts.

The CA Agency must forward Title VI complaints filed against the CA Agency on a federal-aid program or project to ADOT CRO for investigation.

400.00 EMERGENCY RELIEF

400.10 Emergency Relief

The Federal Highway Administration (FHWA) Emergency Relief (ER) program provides funds for the repair or reconstruction of Federal-aid highways and roads that suffered serious damage from natural disasters or catastrophic failures from external causes.

For a disaster event to be eligible for ER, funding must have caused a total of \$700,000 in eligible damage to federal-aid roadway(s) by one or a combination from several agencies that are affected by a particular event. The President and/or Governor must issue an official declaration of emergency for reimbursement.

There are two categories of emergency relief, Emergency Repairs and Permanent Restoration.

- Emergency Repairs are undertaken during or immediately after a disaster to restore essential traffic, to minimize the extent of damage, or to protect the remaining facilities.
- Permanent Restoration refers to those repairs undertaken to restore the highway to its pre-disaster condition and generally not with the primary purpose to restore essential traffic, minimize the extent of damage, or protect the remaining facilities.

ADOT Systems Management Group will serve as the main point of contact for ER fund requests. All sites must be reported within two years of the disaster event, although sites should be reported immediately to ensure their inclusion in the ER Program. In addition, all ER funded projects are expected to proceed to the construction phase by the end of the second federal fiscal year following the end of the fiscal year in which the disaster event occurred.

Additional ER information can be found on the ADOT Local Public Agency website.

500.00 GLOSSARY

DEFINITIONS AND TERMS**Acquisition**

The process required to obtain an interest in, and possession of, real property.

ADOT Major Change Order

ADOT defines a major change as involving scope changes, time extensions, or work outside the project environmental clearance limits.

ADOT project number

Project identification number assigned by ADOT. A project must be included in the Statewide Transportation Improvement Program and scoped in order to receive an ADOT project number. ADOT provides federal-aid and ADOT project numbers for all federally funded design, right-of-way, utility, and construction projects.

Authorization

Approval by FHWA for a given project to move forward. Authorization is required at several phases of the project development process (preliminary engineering, right-of-way, and construction). Funding authorization must be secured before work begins; work that is completed before the federal-aid authorization effective date will not be reimbursed.

Bid advertisement

Advertisement of a project in order to receive bids from consultants and contractors to provide advice or services for the project. Federal-aid projects must be advertised either by ADOT or by an authorized LPA.

Bid package

All plans, specifications, estimates, construction documents, bid forms, and bid bonds relevant to a construction project prepared for advertising and soliciting contractor bids.

Categorical Exclusion (CE)

A category of action that meets the definition contained in 40 Code of Federal Regulations (CFR) 1508.1(d) and 23 CFR 771.117 and, based on past experience with similar actions, that does not involve significant individual or cumulative environmental impacts. These actions do not induce significant impacts on planned growth or land use for the area, do not require the relocation of significant numbers of people; do not have a significant impact on any natural, cultural, recreational, historic, or other resource; do not involve significant air, noise, or water quality impacts; do not have significant impacts on travel patterns; and do not otherwise, either individually or cumulatively, have any significant environmental impacts.

Certification Acceptance Agreement (CA Agreement)

Legally binding document that delegates approval authority to an LPA for specified areas of authority; this agreement is required for Certification Acceptance projects.

Certified Acceptance Agency (CA Agency)

An LPA that has been approved under the Certification Acceptance Program to independently manage most aspects of the project development process, with ADOT oversight. A certified LPA retains a significant degree of approval authority at the local level when developing federally funded transportation projects.

Class of Action

There are three classes of actions which prescribe the level of documentation required under NEPA: (a) Class I (EIS). Actions that significantly affect the environment require an EIS (40 CFR Part 1502). (b) Class II (CE). Actions that do not individually or cumulatively have a significant environmental effect are excluded from the requirement to prepare an EA or EIS. A specific list of CEs normally not requiring NEPA documentation is set forth in 23 CFR §§ 771.117(c) and (d) for FHWA actions. When appropriately documented, additional projects may also qualify as CEs pursuant to 23 CFR § 771.117(d). (c) Class III (EA). Actions in which the significance of the environmental impact is not clearly established. All actions that are not Class I or II are Class III. All actions in this class require the preparation of an EA to determine the appropriate environmental document required.

Commercially Useful Function (CUF)

Performed when a Disadvantaged Business Enterprise is responsible for the execution of a distinct element of the work of a contract by actually managing, performing, and supervising the work involved (49 CFR 26.55).

Construction administration

Management of construction activities. Typical construction-administration responsibilities include approval of construction staking and surveying, review of shop drawings and contractor submittals, materials testing and certifications, daily reviews and inspections of construction activities, and ensuring that the workmanship and materials are in accordance with the approved project specifications and estimates and other documents incorporated by reference in the project specifications and estimates package. An LPA is also responsible for ensuring that independent quality-assurance activities related to workmanship and materials are completed as part of construction administration.

Davis-Bacon Act

A federal law requiring federal contractors to pay prevailing wages on public works projects. All federal government construction contracts, and most contracts for federally assisted construction over \$2,000, must include provisions for paying on-site workers no less than the locally prevailing wages and benefits paid on similar projects.

Deobligation

Downward adjustment of the obligations for a given project. Federal funds may be deobligated if the obligated amount exceeds the current cost of the project or if the project becomes inactive.

Design Concept Report (DCR)

Scoping document for complex projects. Design concept reports include a completed project schedule, preliminary project design plans (to Stage I), details and cross sections, and a detailed cost estimate based on the format provided at the predesign conference.

Design exceptions

An exception to established design standards or criteria that is required when any of the 13 Controlling Criteria (design speed, lane width, shoulder width, bridge width, horizontal alignment, superelevation, vertical alignment, grade, stopping sight distance, cross slope, vertical clearance, lateral offset to obstruction, and structural capacity) are not met.

Design stages

The standardized design segments for ADOT's design process: 15% design (Stage I), 30% design (Stage II), 60% design (Stage III), 95% design (Stage IV), and 100% design (Stage V, also known as plans, specifications, and estimates).

Design criteria or standards

Specifications of dimensions, materials, procedures, etc., that directly affect the project design. Design criteria ensure that project designs provide safe and fully functional transportation-related facilities. All applicable federal, state, and local design criteria must be followed for LPA projects.

Early Acquisition

Early acquisition means acquisition of real property interests by an acquiring agency prior to completion of the environmental review process for a proposed transportation project, as provided under 23 CFR 710.501 and 23 U.S.C. 108.

Environmental Assessment (EA)

Document prepared pursuant to the National Environmental Policy Act, 40 Code of Federal Regulations (CFR) 1500–1508 and 23 CFR 771.119, in order to assist in determining the significance of impacts of a proposed transportation project. An EA describes the positive and negative environmental effects of a proposed action and should be prepared for each proposed action that does not meet the criteria for a categorical exclusion and that does not clearly require the preparation of an environmental impact statement. An EA may satisfy National Environmental Policy Act compliance or may only assist in determining if further analysis is needed in the form of an environmental impact statement. If it is found that significant impacts will result, the preparation of an environmental impact statement should commence immediately.

Environmental Commitments

Action taken; (a) to avoid an impact altogether by not taking a certain action or parts of an action; (b) to minimize impacts by limiting the degree or magnitude of the action and its implementation; (c) to rectify an impact by repairing, rehabilitating, or restoring the affected environment; (d) to reduce or eliminate an impact over time by preservation and maintenance operations during the life of the action; or (e) to compensate for an impact by replacing or providing substitute resources or environments [see 40 CFR 1508.1(s)].

Environmental Impact Statement (EIS)

Document prepared pursuant to the National Environmental Policy Act, 40 Code of Federal Regulations (CFR) 1500–1508 and 23 CFR 771.123 and 771.125, for a proposed project that is likely to cause significant impacts on the environment. An EIS is a full-disclosure document that details the process through which a transportation project was developed, describes a range of reasonable alternatives, analyzes the potential positive and negative impacts resulting from the proposed action and the alternatives, and demonstrates compliance with other applicable environmental laws and executive orders. An EIS is a decision-making tool.

Federal-Aid Highway Program (FAHP)

An umbrella term, not defined in law, which in general refers to most of the federal programs providing highway funds to the states. When used in a budgetary context, Federal-Aid Highway Program specifically refers to highway programs financed by contract authority out of the Highway Account of the Highway Trust Fund, plus any Highway Trust Fund supplemental appropriations for the Emergency Relief Program. Such authorizations are contained in Titles I and V of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and in 23 United States Code 125, as well as in acts providing supplemental appropriations.

FHWA Major Change Order

FHWA defines a major change order as an increase of over \$1,000,000, an increase of 20 percent or more to the project, work outside the project limits, or major scope changes.

FHWA and ADOT Stewardship and Oversight Agreement for Arizona

An agreement document that outlines the roles and responsibilities of both FHWA (Arizona Division) and ADOT in the oversight and administration of the Federal-Aid Highway Program in Arizona. Through the agreement, FHWA delegates specific oversight roles and approval responsibilities to ADOT for certain project-level actions and authorities (i.e., design, plans, specifications, estimates, contract awards, and inspections of projects), as defined in Title 23 USC 106.

Intergovernmental Agreement (IGA)

Legally binding documents that define the obligations of all parties involved in a project; required for ADOT-administered and self-administered LPA projects. Intergovernmental agreements and joint project agreements carry the same statutory requirements, but they generally differ in that intergovernmental agreements are agreements between public entities and joint project agreements are agreements between ADOT and the private sector.

Local Public Agency (LPA)

Any city, town, county, or tribal government.

Metropolitan Planning Organization (MPO)

A federally funded organization consisting of representatives from local governments and governmental transportation authorities that organizes and directs transportation planning processes for all urbanized areas. MPOs are required for areas with populations of 50,000 or more. MPOs are also responsible for the development of regional transportation plans and transportation improvement programs that conform to the State Long-Range Transportation Plan and Statewide Transportation Improvement Program processes.

Notice of Intent (NOI)

The application to operate under a general stormwater permit. On non-tribal lands in Arizona, NOIs must be submitted electronically to the Arizona Department of Environmental Quality.

Notice of Termination (NOT)

Notice that the LPA is no longer authorized to discharge stormwater associated with construction activity under the Arizona Pollutant Discharge Elimination System program for the project. A Notice of Termination must be submitted by all operators as stipulated in the Construction General Permit.

Notice to proceed

Notice from ADOT to the LPA stating the date work can begin on a project.

Obligation

A legal commitment from FHWA to reimburse the eligible costs of the authorized federal portion of the project.

On the Job Training (OJT) program

An apprenticeship program that is managed by ADOT Civil Rights Office for the purpose of training and upgrading minorities and women toward journey worker status.

Prior rights

The identification that utilities (public and private) were in place before establishment of a public roadway. If the roadway is in place before the establishment of the utilities, then the utilities are there “by permit” and must be relocated at the utility companies’ expense. If the utility has “prior rights,” then ADOT is responsible for utility relocations.

Procurement

Purchasing goods or services using federal funds; procurement can take place only after the project is in the State Transportation Improvement Plan and has received federal funding authorization. For ADOT-administered and self-administered projects, an intergovernmental agreement must also be in place.

Programming

Programming occurs on the project level and involves the development of short-term, fiscally constrained, capital improvement programs that commit funds to specific projects. During programming, ADOT works to carry out federal transportation policy and administer federal funding requirements.

Project Assessment (PA)

A scoping document that ensures project components have been sufficiently defined, a reliable cost estimate has been established, and a schedule has been developed that meets the LPA's desired construction start date.

Project closeout

Process in which ADOT conducts a final review of a project to ensure the LPA completed the project in accordance with the approved contract documents and federal-aid requirements.

Public Interest Finding (PIF)

As used in ADOT SUP 01-1, based on a request from a contracting agency (e.g., LPAs, ADOT), that it is in the public interest to allow the contracting agency to require the use of a specific material or product even though other equally acceptable materials or products are available.

Quality Assurance (QA)

The establishment of quality standards and a system of observation/sampling techniques to confirm that those standards are met.

Quality control (QC)

The active implementation of control measures to ensure quality standards are met.

Record drawings (formerly as-built plans)

The final set of ADOT construction plans showing improvements as ultimately constructed. These plans are generated upon completion of project construction; they often differ from the plans generated at the time the contract for the project is awarded due to changes made "in the field" during the construction and landscaping phases of a project.

Responsible charge

The full-time LPA staff member who serves as the agency contact for the project, ensures project compliance with applicable regulations, commits resources for project activities, closely monitors the project progress, participates in decisions that may modify the project, and maintains project records.

Right-of-Way (ROW) plan

A plan associated with a transportation project that indicates all properties required to construct and maintain the project, including temporary construction easements. To develop a ROW plan, the LPA must assess ROW ownership and title data and determine the amount of lead time and certification required. If new ROW is needed, the ROW plan must also contain data essential for appraisal and negotiation activities and for preparation of legal descriptions of the properties to be acquired.

Scoping Letter (SL)

A scoping letter is a document that describes the scope, schedule and cost of a project. This is the simplest form of project scoping documentation.

Staking Plan

Construction staking consists of placing stakes on the ground where proposed features are to be built. The proposed feature location is taken from the construction plans.

Statewide Transportation Improvement Program (STIP)

A capital improvement program for statewide transportation. This program is a 4-year project-specific, fiscally constrained capital improvement program made up of all projects contained in current regional Transportation Improvement Programs and the Five-Year Transportation Facilities Construction Program. The inclusion of projects in the Statewide Transportation Improvement Program is necessary for obligating federal-aid funds.

Stormwater Pollution Prevention Plan (SWPPP)

A SWPPP is a site-specific, written document that identifies potential sources of stormwater pollution at the construction site. A SWPPP also describes practices to reduce pollutants in stormwater discharges from the construction site as well as identifies procedures the operator will implement to comply with the terms and conditions of a construction general permit.

Subrecipient

Receiver of federal assistance indirectly through a recipient or another subrecipient. Subrecipients are subject to Title VI/nondiscrimination and compliance obligations.

Title VI

The section of the 1964 Civil Rights Act intended to prevent individuals from being excluded in, denied the benefit of, or subjected to discrimination on the basis of race, color, national origin, age, sex, and disability.

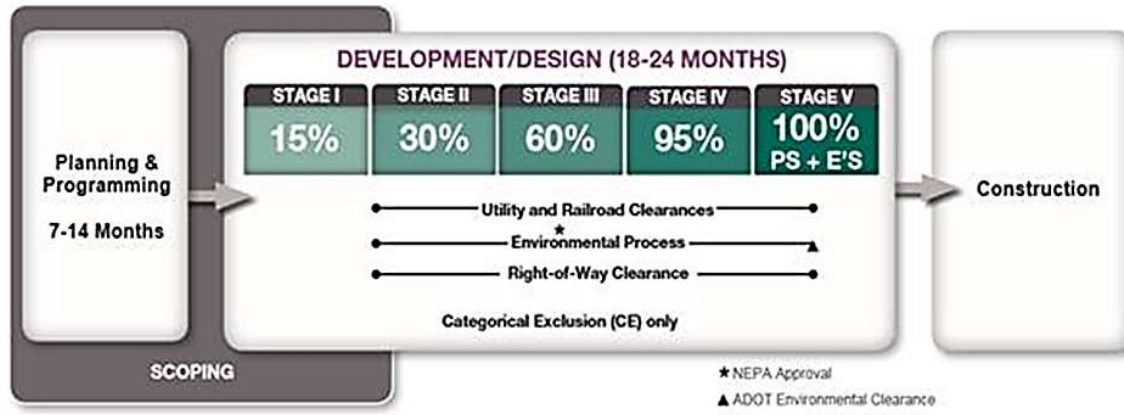
Transportation Improvement Program (TIP)

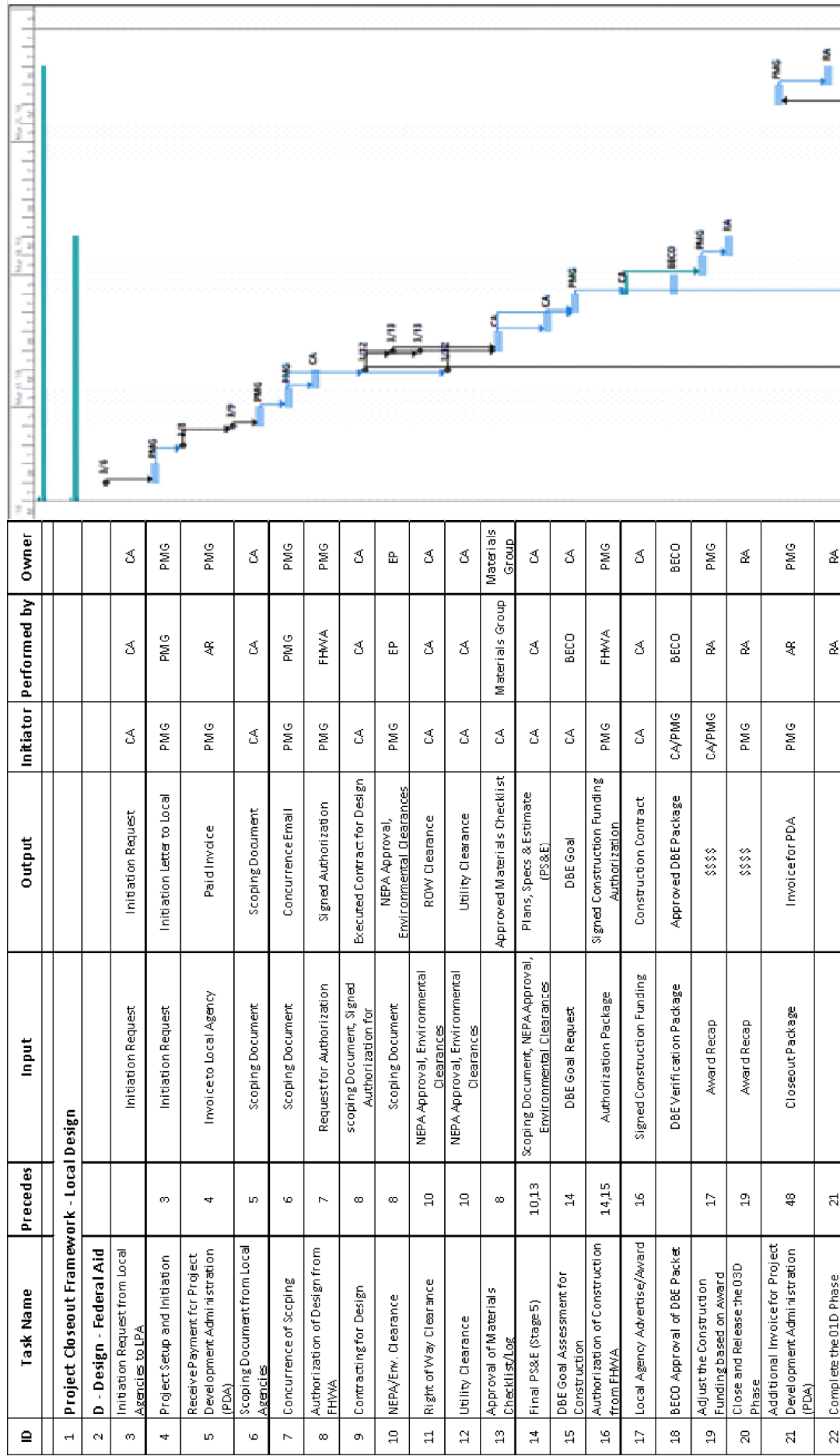
A regional collection of LPA projects programmed with federal-aid funds as identified in Title 23 and Title 49 of the Code of Federal Regulations. Projects contained in a TIP are developed in cooperation with their respective metropolitan planning organization or council of governments, technical advisory committees, and executive board or administration committees in consultation with the ADOT Multimodal Planning Division.

Uniform Relocation Assistance and Real Property Acquisition Policies Act for Federal and Federally Assisted Programs (Uniform Act)

The primary law for acquisition and relocation activities on federal or federally assisted projects and programs (42 United States Code 61). The Uniform Act provides assistance and protection to people affected by federally funded projects. The law protects individuals and groups whose real property is acquired or who are displaced by projects that receive federal funds.

600.00 FIGURES

PROJECT DEVELOPMENT PROCESS ILLUSTRATED – FIGURE 1

DESIGN PHASE CLOSEOUT PROCESS ILLUSTRATED – FIGURE 2

ADOT Certification Acceptance Manual Revision History

Revision Date	Manual Reviewer	CA Agency Review	Comments
November 2017	ADOT LPA Section ADOT Technical Groups	Yes	
April 2019	ADOT LPA Section ADOT Technical Groups	Yes	<ul style="list-style-type: none"> • Creation of Online Manual Update Form • Format Change
May 2019	ADOT LPA Section	No	<ul style="list-style-type: none"> • FHWA Request • Construction Administration - Construction Financial • Award Recapitulations extended language
June 2019	ADOT Environmental Planning and ADOT LPA Section	No	<ul style="list-style-type: none"> • Content updates to the Environmental section such as updated U.S. codes, NEPA assignment information and C.F.R. clarification. • In the PS&E section, added clarifying text to NEPA approval. • Revised language in the Supplemental Agreements section. • Added Class of Action and Scoping Letter to the Glossary.
May 2024	ADOT LPA Section ADOT Technical Groups	Yes	<ul style="list-style-type: none"> • Revision of the entire manual due to the 2024 certification cycle